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~~An ordinance to amend the "Jerome Township Zoning Ordinance no. 1" as amended, Midland County, Michigan.~~

~~The Township of Jerome, Midland County, Michigan, pursuant to the authority vested in it by the Zoning Enabling Act 110 of State of Michigan for 2006, as amended, hereby amends the "Jerome Township Zoning Ordinance no. 1" as amended to read as follows:~~

JEROME TOWNSHIP ZONING ORDINANCE

Midland County, Michigan

~~An ordinance to establish zoning districts within the unincorporated portions of Jerome Township, Midland County, Michigan, in accordance with Michigan Zoning Enabling Act, Act 110 of the state of Michigan for the year 2006, MCL 125.3101 et seq., to encourage permit certain uses of the land therein and regulate the development thereof, including but not limited to the location, size, area and height of buildings thereon, and provide for the administration and enforcement thereof.~~

AMENDED October 28, 2023

Jerome Township Hall
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186
 187 The Township of Jerome, Midland County, Michigan, pursuant to the authority
 188 vested in it by Michigan Zoning Enabling Act, Act 110 of the state of Michigan 2006,
 189 MCL 125.3101 *et seq.*, as amended ordains:

190
 191 **ARTICLE I TITLE AND PURPOSE**

192
 193 **Section 1.01 - Title**

194 This ordinance shall be known as the “~~Zoning Ordinance of Jerome Township~~”
 195 “**Jerome Township Zoning Ordinance.**”

196
 197 **Section 1.02 - Purpose**

198 The fundamental purpose of this ordinance is to promote the public health, safety,
 199 convenience, morals and general welfare. The provisions are intended to
 200 encourage the use of lands and natural resources in the township in accordance
 201 with their character, **natural characteristics**, and adaptability; to provide for orderly
 202 growth of the township **that will retain the rural character of the community**; to
 203 protect the **aesthetic** character and economic stability of agricultural, residential,
 204 commercial, recreational and other local areas within the township; to provide for
 205 safety in traffic and vehicle parking; to prevent the improper use of land and
 206 structures; to facilitate the establishment of adequate and economic systems of
 207 water, sewage, drainage and other public facilities; to conserve the expenditures
 208 of funds for the public improvement and services in order to provide the most
 209 advantageous uses of land, resources and properties.

210
 211 **Section 1.03 - Scope of Regulation**

212 No structure or tract of land, or part thereof, shall hereafter be used or
 213 occupied, and no structure, or part thereof, shall be erected, altered, or
 214 moved, except in conformity with the provisions of this Ordinance.
 215 Furthermore, any business or organization in violation of local, state or
 216 federal law is prohibited from locating or operating within the Jerome
 217 Township. However, where a building permit for a building or structure has
 218 been issued in accordance with law prior to the effective date of this
 219 Ordinance and construction is begun within six (6) months of the effective
 220 date, said building or structure may be completed **and operated** in
 221 accordance with the approved plans. ~~Any subsequent text or map~~
 222 ~~amendments shall not affect previously issued valid permits.~~

223

224 ~~By resolution, the Jerome Township board declined to adopt an ordinance~~
225 ~~authorizing any of the five types of medical marihuana facilities authorized by~~
226 ~~PA 281 of 2016, a “marihuana facility shall not operate in Jerome Township”,~~
227 ~~this includes growers, processors, secure transporters, provisioning centers,~~
228 ~~and safety compliance facilities.~~

229
230
231

232 **Section 1.04 - General Procedure**

233 For the purpose of this ordinance all of the unincorporated area in the Township of
234 Jerome except state owned land has been divided into districts of varied shape,
235 kind and area, called "districts" and regulations adopted for each such district, but
236 with due consideration for the character of each district, its particular suitability for
237 particular purposes and the general trend of land, buildings and population growth.
238 Districts shall be of such number, kind and area and of such common unity of
239 purpose, adaptability or use that are deemed most suitable to conserve the value
240 of buildings and to encourage the most appropriate use of land throughout the
241 Township.

242

243 **Section 1.05 - Conflict With Other Laws**

244 Should any provision of this ordinance conflict with any other law, then the
245 provisions of the more stringent requirements, regulations, restrictions, or
246 limitations shall govern.

247

248 **Section 1.06 - Public Notification**

249 The Planning Commission shall hold a public hearing or hearings upon application
250 for a special use permit, site plan review, and zoning change requests. All notices
251 must be published once in a newspaper of general circulation within the Township
252 of Jerome at least 15 days before the date of the meeting or hearing.

253

254 The notice must:

255

- 256 1. Describe the nature of the zoning request, application, or action.
- 257 2. State the time, date, and place of the meeting.
- 258 3. Indicate the street address of the property that is the subject of the request.
259 **The notice shall include a listing of all existing street addresses within the**
260 **property. Street addresses do not need to be created and listed if no such**
261 **addresses currently exist within the property. If there are no street**
262 **addresses, other means of identification may be used.**
- 263 4. Indicate when and where written comments will be received concerning the
264 request.

265

266 **In accordance with Section 103 of the Michigan Zoning Enabling Act,** notices must
267 be sent by mail or personal delivery to property owners and occupants of structures
268 within 300 feet of the property and to the owners of the property for which the
269 approval is being considered.

270

271 For zoning text amendment public hearings, For public hearings held in response
272 to a zoning text or map amendment, a mailed notice must be sent to each public
273 utility, telecommunication service provider, and railroad operating within the
274 Township district or zone affected to the extent that the entity has registered their
275 name and address with the Township Clerk for the purpose of receiving public
276 hearing notices.

277

278 **Section 1.07 - Permits, Petition Requirements**

279 Property taxes, township fees, and all governmental liens must be current, paid
280 and up to date in order to obtain a building permit, rezoning request or to apply for
281 a site plan, special use, variance, or rezoning.

282

283 **ARTICLE II MARIHUANA REGULATIONS**

284

285 **Section 2.01 - Prohibition of Commercial Medical Marihuana Facilities and**
286 **Marihuana Establishments**

287 Commercial Medical Marihuana Facilities and Marihuana Establishments defined
288 in this Ordinance are prohibited from operating within the Township, and no
289 property within the Township may be used for the operation of such Facilities or
290 Establishments. No person shall operate, cause to be operated, or permit to be
291 operated a Commercial Medical Marihuana Facility or Marihuana Establishment in
292 the Township.

293

294 **Section 2.02 - Primary Caregiver Regulations**

295 The following regulations apply to all Primary Caregiver Operations by a Primary
296 Caregiver within the Township, unless a more specific provision of this ordinance
297 applies:

298

- 299 1. A Primary Caregiver Operation shall comply with the Michigan Medical
300 Marihuana Act, MCL 333.26421, *et seq.*
- 301 2. There shall be no more than one Primary Caregiver Operation per
302 premises. The Township may waive this limitation if an applicant for a
303 Primary Caregiver Operation can provide written documentation in an
304 application for a permit under this ordinance showing that a proposed
305 Primary Caregiver Operation: (1) complies with the Zoning Ordinance; (2)
306 is able to effectively meet the requirements of this ordinance; and (3) will
307 not impose nuisances on neighboring properties or uses.
- 308 3. All medical marihuana shall be contained within a separate enclosed,
309 locked facility for each medical marihuana patient for which the Primary
310 Caregiver is lawfully connected, in accordance with the MMMA. The
311 enclosed, locked facility shall have secure windows and doors where
312 applicable and the medical marihuana caregiver shall implement security
313 measures to prevent theft of stored marihuana.
- 314 4. Distribution, growth or cultivation of medical marihuana, and all other
315 related activity, shall occur indoors.
- 316 5. The qualifying patient and Primary Caregiver must possess and maintain
317 a valid registry identification card by the MRA, LARA, or their successors.

- 318 6. Primary Caregiver Operations shall obtain all necessary building,
319 electrical, plumbing, and mechanical permits for any part of the structure
320 altered for cultivation, growing, or harvesting of marihuana, including
321 changes to electrical wiring, lighting, plumbing, heating, cooling,
322 ventilation, or watering devices.
- 323 7. Primary Caregiver Operations shall control any odor from the premises by
324 regularly maintaining and operating an air scrubbing and carbon filtration
325 system or other reasonably available odor control technology specifically
326 approved for the Primary Caregiver Operation so that no odor from the
327 acquisition, possession, cultivation, processing, transfer, or sale of
328 marihuana is detectable at the property line of the parcel.
- 329 8. A Primary Caregiver Operation shall not create excessive noise, dust,
330 vibrations, glare, fumes, electrical interference, or odors that are detectable
331 to a reasonable person of normal sensitivities beyond the parcel on which
332 the use occurs.
- 333 9. An affirmative statement no person operating a Primary Caregiver
334 Operation shall provide or otherwise make available medical marihuana to
335 any person who is not a medical marihuana patient legally connected to
336 that Primary Caregiver.
- 337 10. There shall be no external evidence, signage, or lighting related to the
338 Primary Caregiver Operation detectable from the exterior of the premises.
339

340 Within the special use permit application, an individual seeking to operate a
341 Primary Caregiver Operation shall submit to the Planning Commission information
342 detailing how their proposed Primary Caregiver Operation will conform with these
343 Primary Caregiver Regulations. As a condition of the special use permit to operate
344 a Primary Caregiver Operation, a Primary Caregiver has a continuing obligation to
345 supply the Township any additional information requested relating to the Primary
346 Caregiver Operation's compliance with this ordinance.

347
348 **ARTICLE III ESTABLISHMENT OF DISTRICTS AND ZONING MAP**

349
350 **Section 3.01 - Zoning Districts**

351 For the purpose of this ordinance all of the unincorporated area in the Township of
352 Jerome except state owned land is hereby divided into the following districts, to be
353 known as, and having the following symbols:

- 354
355 District A - Residential, One Family
356 District B - Residential, Multiple Family
357 District C - Commercial, Business
358 District D - Commercial, General
359 District E - Agricultural
360 District F – Industrial
361

362 **Section 3.02 - Zoning Map**

363 Said districts are bounded and defined as shown on a map entitled "Zoning Map
364 of Jerome Township" which accompanies and which, with all explanatory matter
365 thereon, is hereby made a part of this ordinance.
366

367 **Section 3.03 - Location of District Boundaries**

368 Where the boundaries of districts are so indicated that they appear as:

- 369 A. approximately following the center lines of streets or highways or
- 370 B. approximately following platted lot lines or
- 371 C. approximately following shorelines or
- 372 D. approximately following the center lines of streams or rivers

373 shall be construed as such. If no distance is indicated such dimensions shall be
374 determined by use of the scale on said Zoning Map.
375

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376 **ARTICLE IV DISTRICT A - RESIDENTIAL, ONE FAMILY**

377
378 This district is established to enhance existing single-family detached residences
379 and encourage single-family development, and to provide for suburban-style
380 development and related uses that conform to the Township's rural nature and are
381 compatible with existing neighborhoods.

382
383 **Section 4.01 - Uses Permitted**

384 No building or structure, or any part thereof, shall be erected, altered, or used, or
385 land or premises used, in whole or in part, for other than one or more of the
386 following specified uses:

387 Permitted uses:

- 388 1. Detached one-family dwellings.
- 389 2. Home occupations when carried on by the occupants within
390 the dwelling and/or garage. The home occupation, activities,
391 processes, materials, equipment, and conditions of the home
392 occupation will not be detrimental to the public welfare,
393 persons or property by reason of excessive production of
394 traffic, noise, smoke, fumes, flare, or odors.
- 395 3. Tourist homes.
- 396 4. ~~Accessory uses, buildings and structures customarily incidental to any of the above permitted uses, including not more than one unattached accessory building with side walls not to exceed twelve (12) feet in height from the floor level to the top of the upper plate, with ground floor square footage not to exceed 600 square feet or 3% of the lot area whichever is greater not to exceed 1200 square feet on large lots. The structures must have finished exterior siding, within which may be stored not more than one commercial vehicle.~~
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- 418 5. The keeping of not more than two (2) roomers or boarders and
419 **State licensed residential facilities** as per PA 110 section
420 125.3206 as amended.
- 421 1. **Family child care homes as per PA 110 section 125.3206 as**
422 **amended.** ~~Unlighted Signs pertaining to the sale, lease or rental~~

- 423 of a lot or building placed thereon, shall not exceed eight (8)
424 square feet in area on any one parcel. Unlighted General signs
425 not to exceed 2 square feet on any one parcel when flush
426 mounted to the dwelling or garage.
- 427 2. ~~Recreational vehicles, campers, tents or similar movable~~
428 ~~structures shall not be considered and or used as accessory~~
429 ~~buildings or structures.~~
 - 430 3. ~~No more than one storage shed per residential dwelling is~~
431 ~~allowed. Storage Sheds are not allowed to be used for temporary~~
432 ~~living quarters, dwelling, camping; storing or parking~~
433 ~~automobiles. All trailers, a few examples of which are,~~
434 ~~recreational vehicles, campers, tents, livestock trailers,~~
435 ~~construction trailers, shall not be considered sheds under this~~
436 ~~ordinance or used as Storage Sheds.~~
 - 437 4. ~~No trailer, RV, pop-up tent camper, motor home, travel trailer,~~
438 ~~fifth wheel, tent or any noncompliant dwelling structure within the~~
439 ~~zoning district may be used as living space outside the~~
440 ~~boundaries of a state licensed campground for more than 30~~
441 ~~days per calendar year provided safe water and access to~~
442 ~~sanitary waste facilities are available on the premises.~~
 - 443 5. ~~Each residence is allowed 4 "garage or yard sales" for a~~
444 ~~maximum of 5 days each with at least 30 days between sales~~
445 ~~per calendar year. Garage sales must be managed in any~~
446 ~~district in which they are held so as not to create traffic hazards~~
447 ~~or impinge on neighbors to the extent they create a nuisance.~~
448 ~~All signs must be removed at the end of the sale and the owners~~
449 ~~address shall be identified on each sign.~~

450 6.

451
452 *Special uses as provided by Article X:*

- 453 1. Privately owned and publicly owned cemeteries.
- 454 2. Schools and educational institutions.
- 455 3. Hospitals, sanitariums, and rest homes.
- 456 4. Institutions of a philanthropic or charitable nature.
- 457 5. Public utility substations, buildings and towers including law
458 enforcement, fire protection, and emergency medical
459 facilities.
- 460 6. Churches, missions, and other buildings where meetings of a
461 religious nature are to be held, however, no live-in facilities
462 beyond that which are normally allowed as dwellings for that
463 district will be allowed.
- 464 7. Libraries and museums.
- 465 8. State licensed residential group day care homes as per PA
466 110 section 125.3206 as amended.
- 467 9. Open Space Preservation - see Section 11.12
- 468 10. Wireless Communication Facilities - see Section 11.13
- 469 11. Conversion of an accessory structure to a dwelling.

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Section 4.02 - Size of Dwelling Lots

Every parcel of land upon which a dwelling is hereafter erected or altered shall be not less than 15,000 square feet in area nor less than one hundred (100) feet in width at the building site; provided, however that this requirement shall not apply to a parcel of land less in size than said area and identified under one ownership on record prior to November 5, 1968. Every parcel of land shall provide a minimum width of thirty (30) feet at the point of access to the premises.

Section 4.03 – Yard Requirements

Every lot on which a building is erected shall have a front yard not less than twenty-five (25) feet in depth from the right-of-way, a rear yard of not less than thirty-five feet (35) in depth and side yards of each side not less than ten (10) feet in width. Side yards of lots may be reduced to eight (8) feet, provided the lots are of legal record on November 5, 1968, and are seventy-five (75) feet or less in width.

Section 4.04 - Floor Area of Dwellings

No dwelling shall be erected or altered which provides less than nine hundred (900) square feet of floor area at the first-floor level with a minimum width of 20 linear feet exclusive of any garage area or area in any accessory structure.

Section 4.05 - Side Yards of Corner Lots

The width of a side yard of a corner lot abutting on a right-of-way shall not be less than the minimum front yard required on an adjoining lot fronting on such side right-of-way.

Section 4.06 - Height

No buildings or structure, used for dwelling purposes, or any part there- of, shall be erected or altered to a height exceeding two and one-half (2 ½) stories or thirty-five (35) feet.

Section 4.07 - Accessory Uses, Buildings and Structures, and Storage shed Location, Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any permitted or special uses shall not be erected, altered, or used unless in conformance with the following:

1. Each premises shall contain not more than one unattached accessory building or structure;
2. Accessory buildings or structures shall not to exceed sixteen (16) feet in height from the floor level to the top of the upper plate, with ground floor square footage not to exceed 600 square feet or 3% of the lot area whichever is greater not to exceed 2000 square feet on large lots.
3. The buildings or structures must have finished exterior siding, within which may be stored not more than one commercial vehicle.

516 ~~Storage Sheds can be located on the property subject to the following conditions.~~
517 Storage sheds, as defined in this ordinance, are not considered accessory
518 buildings or structure. Storage sheds may be located on the property if they meet
519 all requirements set forth in this ordinance, including the following:

- 520 4. No more than one storage shed per residential dwelling or premises is
521 allowed. Storage Sheds are not allowed to be used for temporary living
522 quarters, dwelling, camping; storing or parking automobiles. All trailers, a
523 few examples of which are, recreational vehicles, campers, tents, livestock
524 trailers, construction trailers, shall not be considered sheds under this
525 ordinance or used as Storage Sheds.
- 526 5. Storage Sheds can be located no closer than one (1) ft from the side or rear
527 property lines, accessory buildings, or main buildings. This distance is
528 measured from the closest shed point i.e. (this includes but is not limited to
529 the shed, side wall, roof edge, foundation, etc.) to the nearest property line,
530 or building point.
- 531 6. A shed may be located in front yards but must be at least 25 feet 10 feet
532 away from the road right of way and meet all other set-backs. On water way
533 side of lake lots, sheds are not to be more than 3 feet 4 foot above finish
534 grade at the rear dwelling building line. It is recommended that shed owners
535 consider placement and landscaping to make it blend into the neighborhood
536 as much as possible.
- 537 7. Sheds may not be located within 8 ft of an adjacent property owner dwelling.
- 538 8. No sheds are permitted within the side yard area on lots with non-
539 conforming side yard set-backs of less than 8 ft.
- 540 9. Shipping containers less than 200 sq. ft. used as a storage shed shall meet
541 all storage shed requirements and be one solid exterior color.

542

543 **Section 4.08 – Fences**

544 ~~———— Fences in residential areas shall be constructed from conventional fencing~~
545 ~~material such as wood, metal, vinyl, or brick/rock with mortar joints. Barbed wire,~~
546 ~~razor wire, snow fence, shipping crates, chicken wire, farm fence, concrete~~
547 ~~reinforcing wire/grid, tree stumps, stacked broken concrete/ loose bricks or rocks,~~
548 ~~dirt piles, and similar non-residential fencing material is not allowed. Fences that~~
549 ~~carry electric current, or any fence guard wall, or other protection upon which any~~
550 ~~spike, nail, or non-ornamental pointed instrument of any kind is fixed, attached or~~
551 ~~placed shall not be permitted. Fence owners must maintain fences. An installed~~
552 ~~fence does not constitute an ownership boundary.~~

553 See Section 11.06

554

555 **Section 4.09 - Signs**

556

557 A. Indirectly illuminated signs shall be allowed provided such sign is so
558 shielded as to prevent direct light rays from being visible from the public
559 right-of-way or any adjacent residential property.

560

561 B. No sign shall have blinking, flashing or fluttering lights or other illuminating
562 devices which have a changing light intensity, brightness, or color, or which

563 are so constructed and operating as to create a scrolling appearance of
564 writing or printing.

565

566 C. The following signs are permitted, subject to Section 14.02:

567

568 1) For dwelling units, one (1) non-illuminated wall sign not exceeding two
569 (2) square feet in area. For structures other than dwelling units, one (1) non-
570 illuminated wall sign not to exceed eighteen (18) square feet in area and one
571 (1) freestanding sign not to exceed thirty-two (32) square feet and twelve
572 (12) feet in height.

573

574 2) For multiple-family dwellings and neighborhoods, one externally-
575 illuminated freestanding identification sign not exceeding thirty-two (32)
576 square feet in area is permitted at each point of ingress and egress,
577 provided that the same is set-back at least one hundred (100) feet from any
578 residence and glare is reasonably shielded from nearby roads and
579 residential uses.

580

581 3) Each parcel is allowed temporary signs which must be removed within
582 sixty (60) days of installation unless a longer period is permitted by law.
583 Temporary signs shall not exceed eight (8) square feet in area on any one
584 parcel or premises.

585

586 **Section 4.10 – Additional District Requirements**

587 No trailer, RV, pop-up tent camper, motor home, travel trailer, fifth wheel, tent or
588 any noncompliant dwelling structure within the zoning district may be used as living
589 space outside the boundaries of a state licensed campground for more than 30
590 days per calendar year provided safe water and access to sanitary waste facilities
591 are available on the premises.

592

593 **ARTICLE V DISTRICT B – RESIDENTIAL, MULTIPLE FAMILY**

594

595 This district is established to provide opportunities for affordable housing and
596 alternatives to traditional single-family homes, while maintaining the small-town
597 character of the Township.

598

599 **Section 5.01 - Uses Permitted**

600 No building, structure or part thereof shall be erected, altered or used, or land or
601 premises used, in whole or in part, for other than one of the following specified
602 uses:

603

Permitted Uses:

604

1. Uses permitted in District A. (~~Section 4.01 of this ordinance~~) including
605 all approvals required therein.

606

2. Two-family dwellings and apartment buildings.

607

3. Rooming house.

608

4. Mobile home.

609 5. ~~Unlighted general signs not to exceed 2 square feet on any one~~
610 ~~parcel.~~

611

612

613 *Special Uses as provided by Article X:*

614 1. All special uses allowed in District A.

615 2. Community Buildings.

616 3. Private resorts, recreational camps and parks.

617 4. Fraternal lodges, country clubs, private clubs and similar civic or
618 social organizations.

619

620

621 **Section 5.02 - Size of Dwelling Lots**

622 Every parcel of land upon which a dwelling is hereafter erected or altered shall not
623 be less than ten thousand (10,000) square feet in area nor less than seventy (70)
624 feet in width at the building site, ~~provided, however, that this requirement shall not~~
625 ~~apply to a parcel of land less in size than said area and identified under one~~
626 ~~ownership on record prior to November 5, 1968.~~ Every parcel of land shall provide
627 a minimum width of thirty (30) feet at the point of access to the premises.

628

629 **Section 5.03 - Yard Requirements**

630 The same as is provided in Section 4.03 of ARTICLE IV of this ordinance.

631

632 **Section 5.04 - Floor Area of Dwellings**

633 No dwelling shall be erected or altered which provides less than six hundred (600)
634 square feet of dwelling area at the first-floor level.

635

636 **Section 5.05 - Side Yards of Corner Lots**

637 The width of a side yard of a corner lot abutting on a street or right-of-way, shall
638 not be less than the minimum front yard required on an adjoining lot fronting on
639 such side rights-of-way, but this shall not reduce the buildable width of any lot of
640 legal record prior to November 5, 1968 to less than twenty-six (26) feet at the
641 building grade level.

642

643 **Section 5.06 - Height**

644 The same as is provided in Section 4.06 of ARTICLE IV of this ordinance.

645

646 **Section 5.07 - Storage shed Location**

647 The same as is provided in Section 4.07 of ARTICLE IV of this ordinance.

648

649 **Section 5.08 - Fences**

650 The same as is provided in Section 11. of ARTICLE XI of this ordinance.

651

652 **Section 5.09 - Signs**

653 **The same as is provided in Section 4.09 of ARTICLE IV of this ordinance.**

654

655 **ARTICLE VI DISTRICT C – COMMERCIAL BUSINESS**

656 **VI previously commercial general**

657 This district is established to support predominantly freestanding commercial and
658 office uses that serve both the local and regional market, specifically along the M-
659 30 Corridor. Commercial uses should be appropriately located in areas suitable for
660 development, not adversely effecting surrounding residential areas.

661
662 **Section 6.01 - Uses Permitted**

663 No building or structure, or part thereof, shall be erected, altered or used, or land
664 or premises used, in whole or in part, for other than one or more of the following
665 specified uses:

666 Permitted uses:

667 1. All uses permitted in District **A and B.**

668 2. Bakeries

669 3. Barber Shops and Beauty Shops

670 4. Beer and wine retail

671 5. Boutiques

672 6. Branch Banks

673 7. Dairy Products (Retail)

674 8. Dental Clinics

675 9. Drug Stores

676 10. Dry Cleaning

677 11. Florist

678 12. Furniture Stores

679 13. Gift shops

680 14. Governmental Offices

681 15. Grocery Stores

682 16. Hardware Stores

683 17. Insurance Offices

684 18. Jewelers

685 19. Loan Companies

686 20. Meat markets

687 21. Medical Clinics

688 22. Mini storage units

689 23. Office Buildings

690 24. Parking Lots

691 25. Photographic Studios

692 26. Real Estate Offices

693 27. Restaurants

694 28. Sporting Goods

695 29. Video stores

696 ~~Accessory buildings and structures incidental to any of the above uses~~
697 ~~permitted in this section.~~

698 ~~Unlighted signs for identification purposes not to exceed thirty two (32)~~
699 ~~square feet.~~

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701 30. **Automotive repair**

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Special Uses as provided by Article X

1. All special uses allowed in District B.
2. Lighted signs.
3. Other retail and wholesale establishments not otherwise listed as a permitted use.
3. Sexually-oriented business
4. Billboards

Section 6.02 - Size of Building Lots

Every parcel of land upon which a building is hereafter erected or altered shall be not less than 15,000 square feet in area nor less than one hundred (100) feet in width at the building site, provided, however, that this requirement shall not apply to a parcel of land less in size than said area and identified under one ownership on record prior to November 5, 1968. Every parcel of land shall provide a minimum width of thirty (30) feet at the point of access to the premises.

Section 6.03 - Yard Requirements

Every lot on which a building is erected shall have a front yard not less than thirty-five (35) feet in depth from the right-of-way, rear yard of not less than thirty-five (35) feet twenty five (25) feet in depth and side yards of each side not less than twenty (20) feet in width. No parking facilities shall be provided within ten (10) feet of a residential lot line.

Section 6.04 - Floor Area of Building or Structure

No primary building shall be erected or altered which provides less than 600 square feet nor more than 2000 square feet of floor area at the 1st floor level, exclusive of any garage area or area in any accessory building.

Section 6.05 - Side Yards of Corner Lots

The width of a side yard of a corner lot abutting on a right-of-way shall not be less than the minimum front yard required on an adjoining lot fronting on such side right-of-way.

Section 6.06 - Height

No buildings or structures shall be erected or altered to a height exceeding two and one-half (2-1/2) stories or thirty-five (35) feet.

Section 6.07 - Additional District Regulations

All business, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building. The outdoor storage of goods or material shall be prohibited.

746 **Section 6.08 - Signs**

- 747 A. Indirectly or internally illuminated signs are permitted providing such sign is
748 so shielded as to prevent direct light rays from being visible from the public
749 right-of-way or any adjacent residential property.
750
- 751 B. No sign shall have blinking, flashing or fluttering lights or other illuminating
752 devices which have a changing light intensity, brightness, or color, or which
753 are so constructed and operating as to create a scrolling appearance of
754 writing or printing.
755
- 756 C. The following signs are permitted upon securing a sign permit from the
757 Building Inspector, subject to Section 14.02:
758
- 759 a. One (1) wall sign not to exceed thirty (30) square feet in area.
760
 - 761 b. One (1) freestanding sign not to exceed fifty (50) square feet in area
762 and twelve (12) feet in height is permitted in the required front yard,
763 provided that the same is set-back two hundred (200) feet from any
764 residential use.
765
 - 766 c. External or internal illumination is permitted, provided that the glare
767 is shielded from any nearby residential use or roadway.
768
 - 769 d. For businesses with frontage on two (2) or more public roads, one
770 (1) additional wall sign and one (1) additional freestanding sign is
771 permitted for each public road, so long as there is no more than one
772 (1) sign per public road.
773

774 **ARTICLE VII - DISTRICT D Commercial General**

775

776 **Section 7.01 - Uses Permitted**

777 No building or structure, or part thereof, shall be erected, altered or used, or land
778 or premises used, in whole or in part, for other than one or more of the following
779 specified uses and a Site Plan is required for all uses and changes in uses in
780 District D as per Article IX.

781 Permitted uses:

- 782 1. All uses Permitted in Districts A, B, and C.
- 783 2. Sales, rental and service of new and used automobiles, boats,
784 recreational vehicles, mobile homes, and trailers.
- 785 3. Retail and commercial wholesale establishments.
- 786 4. Mobile Home parks.
- 787 5. Motels and Hotels.
- 788 6. Business, professional, commercial, and philanthropic offices.
- 789 7. The repair, conversion, alteration, finishing, assembling, fabrication
790 or storage of goods or services for sale on the premises at retail or
791 wholesale to the ultimate consumers, provided, however, that there
792 is not in connection therewith the operation of any machinery or the

- 793 conduct of any process or activity or storage or display of goods in
794 such manner as to be noxious or offensive by reason of the emission
795 of odor, fumes, dust, smoke, noise, waste, or vibration.
- 796 8. Personal service establishments for direct service to customers.
 - 797 9. Banks, assembly halls, hospitals, and institutions of similar nature,
798 theaters and other places of amusement permitted by law,
799 refrigeration lockers leased or rented for private use, armories,
800 research and testing laboratories, mortuaries, service stations, motor
801 vehicle sales, parking lots, radio and television stations and similar
802 service establishments.
 - 803 10. Storage buildings.
 - 804 11. Concert Halls.
 - 805 12. Retail Sales of Lawn and Garden Materials and Furnishings.
 - 806 13. Bowling Alleys
 - 807 14. Billiard Hall
 - 808 15. Archery Range
 - 809 16. Tennis Courts
 - 810 17. Skating Rinks and forms of indoor-commercial recreations
 - 811 18. Auto Wash, when completely enclosed in a building
 - 812 19. Transportation Terminals
 - 813 20. Golf courses
 - 814 21. Veterinary hospitals or clinics, provided all activities are conducted
815 within a totally enclosed main building.
 - 816 22. Pet shops or kennels where animals are maintained in a completely
817 enclosed building.
 - 818 23. Dance studios
 - 819 24. Greenhouses
 - 820 25. Mechanical contractors, sales and service.
 - 821 26. Monument sales
 - 822 27. Printing Shops
 - 823 29. Taverns
 - 824 30. Lumber Yards
 - 825 31. Auction Barns excluding the sale of animals
 - 826 ~~Accessory uses buildings and structures incidental to any of the uses~~
827 ~~permitted in this section.~~
 - 828 ~~Permanent advertising media provided they comply with all~~
829 ~~requirements of this ordinance as per Article XIV section 14.02 and~~
830 ~~shall not exceed 64 square feet.~~
 - 831
 - 832 32. Laundromats
 - 833 33. Auto Repair
 - 834
 - 835 *Special Uses as Provided by Article X*
 - 836 1. All special uses in District C
 - 837 2. Light manufacturing
 - 838 3. Primary Caregiver Operation
 - 839 4. Billboards

840 ~~Lighted Signs~~

841

842 **Section 7.02 - Height**

843 No building, structure, or part thereof shall be erected, or altered to a height
844 exceeding thirty-five (35) feet.

845

846 **Section 7.03 - Yard Requirements**

847 Every lot on which a building is erected shall have a front yard not less than 50
848 feet in depth from any road right of way, rear yard of not less than ~~35 feet~~ 25 feet
849 in depth and side yards not less than 20 feet in width. No parking facilities shall
850 be provided within 10 feet of a residential lot line.

851

852 **Section 7.04 - Size of Building Lots**

853 Every parcel of land upon which a building is hereafter erected or altered shall be
854 not less than 15,000 square feet in area nor less than one hundred (100) feet in
855 width at the building site; provided, however, that this requirement shall not apply
856 to a parcel of land less in size than said area and identified under one ownership
857 on record prior to November 5, 1968. Every parcel of land shall provide a minimum
858 width of thirty (30) feet at the point of access to the premises.

859

860 **Section 7.05 - Floor Area of Buildings or Structures**

861 No primary building shall be erected or altered which provides less than 600
862 square feet or more than 10,000 square feet of floor area at the 1st floor level,
863 exclusive of any garage area or area in any accessory building.

864

865 **Section 7.06 - Additional District Requirements**

866 A site plan is required for all uses and changes in uses in District D as per Article
867 IX, including dwellings.

868

869 **Section 7.07 - Signs**

870 The same as is provided in Section 6.08 of ARTICLE VI of this ordinance.

871

872 **ARTICLE VIII DISTRICT E – AGRICULTURAL**

873

874 This district is established to retain the rural character of the community, including
875 by persevering the environmental and agricultural resources of the Township.
876 Common farming activities, relative agricultural activities, and outdoor commercial
877 recreational and open space uses are considered compatible uses in this District.

878

879

880 **Section 8.01 - Uses Permitted**

881 No buildings or structure, or part thereof, shall be erected, altered or used or land
882 or premises used, in whole or in part, for other than one or more of the following
883 specified uses:

884

1. All uses Permitted in Districts A and B.

885

2. Farm buildings, structures, including roadside stands not to exceed 160 square
886 feet.

- 887 3. Farms, including both general and specialized farming and similar agricultural
888 enterprises. Farms must meet Right to Farm Act GAAMP requirements.
889 4. Tourist homes, rooming houses, and mobile homes
890 5. Signs not to exceed 12 square feet.
891 6. Accessory uses, buildings and structures incidental to any of the above permitted
892 uses, a dwelling is not required in this district
893 7. Kennels are permitted on 5 or more acres and subject to the provisions of Midland
894 County Regulations for Kennels.
895 8. **Special uses as provided by Article X.**
896 a. Airstrips
897 b. Privately owned and publicly owned cemeteries
898 c. Churches, missions, and other buildings where meetings of a religious nature are
899 to be held, however, no live-in facilities beyond that which are normally allowed as
900 dwellings for that district will be allowed.
901 d. Community Buildings
902 e. Foster care facilities
903 f. Golf courses, ball parks, race tracks or courses or similar facilities for outdoor
904 exercise and recreation which may or may not be operated for profit.
905 g. Private resorts, recreational camps and parks.
906 h. Public utility substations, buildings and towers including law enforcement, fire
907 protection, and emergency medical facilities.
908 i. Schools and educational institutions
909 j. Slaughtering, packaging, and refrigeration processing.
910 k. Veterinary hospitals or clinics
911 l. For buildings or structures exceeding the height limitation of section 7.05 7.02
912 m. Open Space Preservation - see section 12.12
913 n. Wireless Communication Facilities - see section 12.13
914 o. Conversion of an accessory structure to a dwelling.

915
916

917 **Section 8.02 - Size of Building or Dwelling Lots**

918 Every lot upon which a building or dwelling is hereafter erected or altered shall be
919 not less than one hundred thirty-two (132) feet in width nor less than one (1) acre
920 in area.

921

922 **Section 8.03 - Yard Requirements**

923 The same as is provided in Section 4.03 of ARTICLE IV of this ordinance.

924

925 **Section 8.04 - Floor Area of Dwellings**

926 No Dwelling shall be erected or altered which provides less than six hundred (600)
927 square feet of dwelling area at the first-floor level.

928

929 **Section 8.05 - Height**

930 No building, structure, or part thereof shall be erected, or altered to a height
931 exceeding thirty-five (35) feet on parcels of 10 acres or less.

932

933 **Section 8.06 - Signs**

934 The same as is provided in Section 4.09 of ARTICLE IV of this ordinance.

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ARTICLE IX DISTRICT F - INDUSTRIAL

This district is established to relate to existing industries, uses or developments that have good access to major roadways, that are adequately served by public utilities, and that have minimal adverse impacts on existing residential neighborhoods.

Section 9.01 - Uses Permitted

No building or structure, or part thereof, shall be erected, altered or used or land or premises used, in whole or in part, for other than one or more of the following specified uses:

Permitted uses:

1. Uses permitted in District E (Agricultural).
2. The manufacturing, processing, treatment or assembly of beverages and food products, or slaughterhouses except the refining of fats and oils.
3. Building contractor heavy equipment yards.
4. Machine shop and Blacksmith shop.
5. Paint and Enameling shop.
6. Public Utilities Service Yards and Transformer Stations.
7. Radio and TV towers.
8. Sand Blasting, within a building.
9. Service Stations.
10. Stone cutting and engraving, within a building.
11. Warehousing, moving and storage of merchandise.
12. Wholesaling and distributing.
13. Manufacturing, processing or assembly of wood products.
14. Extrusion or stamping of metal and plastics.

~~Section 8.01.15 Special uses are provided by Article X. None.~~

Section 9.02 - Size of Building Lots

Every lot upon which a building is hereafter erected or altered shall not be less than 132 feet in width nor less than one (1) acre in area and shall meet the requirements for size and set-back lines as specified in Section 6.03.

Section 9.03 - Additional District Requirements

A site plan is required for all uses in District F as per Article IX, including dwellings.

Section 9.04 - Floor Area of Buildings or Structures

No primary building shall be erected or altered which provides less than 600 square feet of floor area at the 1st floor level, exclusive of any garage area or area in any accessory building.

Section 9.05 - Signs

The same as is provided in Section 6.10 of ARTICLE VI of this ordinance.

982 **ARTICLE X SITE PLAN REVIEW**

983
984 **Section 10.01 - Purpose**

985 This Article describes all land uses subject to site plan review, as well as the
986 standards and procedures associated with that review. An approved site plan is
987 necessary to ensure that the proposed use or activity is in compliance with this
988 ordinance.

989
990 **Section 10.02 - Scope**

991 A. The site plan, which includes those documents and drawings specified in
992 this section **Article**, shall be required prior to receiving zoning approval and
993 other township authorization for use, ~~erection or enlargement of any~~
994 ~~structure or facility.~~ The provisions of this article also apply to any use,
995 premises, building, or structure as may be reviewed in accordance with
996 Article X for a special use permit.

997 the land uses listed herein. The Planning Commission shall conduct site plan
998 review for the following uses:

- 999 1. Special uses in all Districts.
1000 2. All uses in District D.
1001 3. All uses in District F.
1002 4. All non-residential uses, buildings, or structures, including but not limited to
1003 public buildings, commercial uses and industrial uses.
1004 5. Condominiums.
1005 6. Except for uses in Districts D and F, a site plan review is not required for
1006 one and two-family dwellings, incidental accessory buildings, barns and
1007 farm buildings.
1008

1009 No person shall undertake any activity or use, including any grading, clearing,
1010 cutting and filling, excavating, or tree removal associated therewith, nor shall a
1011 building permit or zoning approval be issued for which site plan approval is
1012 required by this Ordinance, without first obtaining such approval.
1013

1014 **Section 10.03 – Conceptual Site Plan Review**

1015 The applicant is encouraged to submit a conceptual plan for review by the Planning
1016 Commission to ensure that that errors, miscalculations or misconceptions are not
1017 incorporated into preliminary plans. This procedure is intended to be informational
1018 only and shall not necessarily bear directly upon later reviews.
1019

1020 **Section 10.04 - Site Plan Requirements**

1021 A site plan review by the Township Planning Commission shall be required for all
1022 non-residential uses, buildings, or structures including public buildings,
1023 commercial uses and industrial uses. Requests for site plan review shall be made
1024 by filing the following with the Township Clerk:

- 1025 1. A legal description of the lot(s) involved, property address and tax
1026 identification number and the name, address, and telephone number of
1027 the owner, developer, and/or designer. ~~a general description of the~~
1028 ~~development.~~

- 1029 2. The present zoning classification of the subject parcel and adjacent
1030 properties.
- 1031 3. The boundary lines of the area including angles, dimensions and
1032 reference to a section corner, quarter section corner, or point on a
1033 recorded plat; set-back lines; an arrow pointing north, and the lot area of
1034 the land included in the site plan.
- 1035 4. The shape, size, location and height of all existing or proposed buildings
1036 or structures, including accessory buildings, and the intended or actual
1037 uses thereof.
- 1038 5. Natural features such as existing vegetation, woods, streams, rivers, lakes
1039 or ponds, with indication as to which are to be retained and which are to
1040 be removed or altered, and proposed new plantings.
- 1041 6. Existing and proposed thoroughfares, driveways, off-street parking areas,
1042 loading-unloading spaces, and sidewalks.
- 1043 7. The size and location of all existing and proposed public or private utilities,
1044 including sewage disposal systems, wells or water systems.
- 1045 8. A description of adjacent uses.
- 1046 9. Accurate scale drawings of all signs indicating their size, material, color
1047 and illumination, if any, and the method of installation of any freestanding
1048 sign.
- 1049 10. Identification of any significant or unique site features.
- 1050 11. The name, signature, seal, and address of the architect, planner,
1051 designer, or engineer responsible for preparation of the site plan.
- 1052 ~~12. A description of adjacent uses.~~
- 1053 13. Any other information necessary to establish compliance with this
1054 Ordinance.
- 1055 H. A review fee, as determined by resolution of the Township Board based
1056 upon the cost of processing the review shall be on file with the Township
1057 Clerk for public information. Once accepted, no portion of the fee shall
1058 be returned to the applicant, unless authorized by the Township Board.
- 1059 14. Provide a master deed and documents for condominium units.
- 1060 15. Estimated project completion date
- 1061 16. The requester shall provide six (6) sets of all required documents, or an
1062 electronic version.

1064 **Section 10.05 - Action on Site Plan Review**

- 1065 1. The Planning Commission, or its qualified designee, shall review site plan
1066 applications in accordance with the standards presented in this Article and
1067 this Ordinance. The Planning Commission may hire qualified
1068 professional(s) at the applicant's expense to aid in its review of a site plan.
- 1069 2. A hearing shall be scheduled by the Secretary of the Planning Commission
1070 within (45) days following the date of the receipt of the site plan and fee
1071 following the notification requirements pursuant to the notification
1072 requirements of Section 1.06. once the application is deemed complete by
1073 the Chairman of the Planning Commission. The Chairman shall place the
1074 site plan review on the next available meeting agenda for discussion by the
1075 Commission and shall notify the applicant of this action.

- 1076 3. ~~Following the hearing the Township Planning Commission shall approve,~~
1077 ~~disapprove, modify or alter the proposed site plan. Any required~~
1078 ~~modification or alteration shall be stated in writing, together with the reasons~~
1079 ~~therefor, and delivered to the applicant.~~
- 1080 4. Within a reasonable time, the Planning Commission shall approve, approve
1081 with conditions, or deny the request for site plan approval, or provide
1082 information to the applicant by which they may amend their plans to conform
1083 to certain stipulated requirements to obtain approval.
- 1084 5. Any required conditions shall be stated in writing and delivered to the
1085 applicant. If plans are denied at any time, the Planning Commission shall
1086 submit in writing to the applicant the reasons for the action.
- 1087 6. Complete drawings, plus all certified final drawings and plans which are
1088 subject to site plan review and contain all necessary modifications or
1089 additions required, shall be submitted before final site plan approval is
1090 granted. Two copies of the approved site plan with any conditions thereon
1091 shall be maintained as part of the Township records for future review and
1092 enforcement. Each copy shall be signed and dated by the Chairman of the
1093 Township Planning Commission for identification of the approved site plan.
1094

Section 10.06 - Criteria for Review

1096 ~~In reviewing the application and site plan and approving, or modifying the~~
1097 ~~same, the Township Planning Commission shall be governed by the~~
1098 ~~following standards:~~

1099 **The following standards shall be utilized in reviewing all site plans:**

- 1100 A. That there is a proper relationship between the existing streets and
1101 highways within the vicinity and service drives, entrance and exit driveways,
1102 parking areas and loading-unloading spaces to assure the safety and
1103 convenience of pedestrian and vehicular traffic.
- 1104 B. That the buildings, structures, and entry ways thereto proposed to be located
1105 upon the premises are so situated and designed as to minimize adverse
1106 effects therefrom upon owners and occupants of adjacent properties and
1107 the neighborhood.
- 1108 C. That as many features of the landscape shall be retained as possible where
1109 they furnish a barrier or buffer between the project and adjoining properties
1110 used for dissimilar purposes and where they assist in preserving the general
1111 appearance of the neighborhood or help control erosion or the discharge of
1112 storm waters.
- 1113 D. That any adverse effects of the proposed development and activities
1114 emanating therefrom upon adjoining residents or owners shall be minimized
1115 by appropriate screening, fencing, or landscaping.
- 1116 E. That all provisions of this ordinance are complied with unless an appropriate
1117 variance therefrom has been granted by the Zoning Board of Appeals.
- 1118 F. That all buildings and structures are accessible to emergency vehicles.
- 1119 G. That all surface water runoff from a site shall be drained to established or
1120 maintained public drainage ways or a properly designed private drainage
1121 retention basin on or accessible to the site.

1122 H. That the site plan as approved, is consistent with the intent and purposes of
1123 zoning as stated in ARTICLE I. **this Ordinance.**
1124

1125 **Section 10.07 - Conformity to Approved Site Plan**

1126 Property which is the subject of site plan approval must be developed in strict
1127 compliance with the approved site plan. If construction and development does not
1128 conform to such approved plan, all further construction activities shall cease upon
1129 the site until the violation is corrected.
1130

1131 Approval of the site plan shall be valid for a period of one year provided on-site
1132 development actually commenced within said year or the site plan approval is void,
1133 unless an extension has been provided. The Planning Commission may grant
1134 extensions of the site plan approval for one year periods upon submittal in writing
1135 by the applicant of a request for an extension. The Planning Commission shall
1136 grant such an extension only upon presentation of written evidence indicating that
1137 construction of the project has been delayed by factors beyond the reasonable
1138 control of the applicant and that construction on the project is likely to proceed
1139 within one year. Notwithstanding any of the above, a site plan approval shall be
1140 automatically revoked if construction has not been completed within five years of
1141 the initial site plan approval.
1142

1143 **Section 10.08 - Amendment to Site Plan**

1144 **1.** A proposed amendment, modification or alteration to a previously
1145 approved site plan shall be submitted to the Planning Commission for
1146 review in the same manner as the original application. If the developer or
1147 landowner has already effected the changes in question, the Building
1148 Inspector shall immediately notify the permit holder in writing that site plan
1149 approval has been suspended pending approval by the Planning
1150 Commission of the proposed amendment.

1151 **2.** Minor changes in the location, site or character of the building and
1152 structures may be authorized by the Building Inspector if required by
1153 engineering or other required circumstances. No changes so authorized
1154 may cause a change in the use, character, or intent of the development.
1155

1156 **Section 10.09 - Special Uses and Concurrent Approvals**

1157 The Planning Commission may choose to review special use permit and site plan
1158 review submittals concurrently. In the event of concurrent review, the Planning
1159 Commission shall make sure that both the site plan and special use submittals
1160 satisfy all requirements of this Ordinance.
1161

1162 **ARTICLE XI SPECIAL USE**

1163 **Section 11.01 - Authority**

1164 The Planning Commission shall have the authority as hereinafter provided to grant
1165 special use permits subject to such conditions of design and operation, safeguards
1166 and time limitations as it may determine at a public hearing and site plan review.

1167 Application for any special use permit permissible under the provisions of this
1168 Section shall be made to the Planning Commission. Such applications shall be

1169 subject to the Jerome Township Fee schedule as amended from time to time,
1170 except that no fee shall be required of any Governmental agency. No part of such
1171 fee shall be returnable to the applicant.
1172

1173 **Section 11.02 - Additions**

1174 Any addition to or expansion of any existing Special Use shall also require a permit
1175 issued by the Planning Commission after the requirements in Article X have been
1176 met.
1177

1178 **Section 11.03 - Data Required in Application**

1179 An application for a special use permit shall contain the names and addresses of
1180 the property owner and all parties involved, the address and description of the
1181 property involved, a site plan as per Article IX, a statement and supporting
1182 evidence regarding the required findings set forth in Section 10.05
1183

1184 **Section 11.04 - Purpose and Authority**

1185 In order to make this Ordinance a flexible zoning control and still afford protection
1186 of neighboring land uses and orderly and compatible development of property
1187 within the Township, the Township has authorized certain uses of land as special
1188 uses. Such special uses have been selected because of the unique characteristic
1189 of the use which, in the particular district involved, under certain circumstances
1190 and without proper controls, could cause it to be incompatible with the other uses
1191 permitted in that district, and would be detrimental thereto. Special uses are
1192 intended to identify those uses which may be harmonious with the purpose and
1193 intent of the district in which they are located, if properly regulated.

1194 The Planning Commission shall have the authority as hereinafter provided to grant
1195 special use permits subject to such conditions of design and operation, safeguards
1196 and time limitations as it may determine ~~at a public hearing and site plan review~~
1197 **necessary**. Application for any special use permit permissible under the provisions
1198 of this Section shall be made to the Planning Commission. Such applications shall
1199 be subject to the Jerome Township Fee schedule as amended from time to time,
1200 except that no fee shall be required of any Governmental agency. No part of such
1201 fee shall be returnable to the applicant.
1202

1203 **Section 11.05 – Binding Effect; Revocation of Permit**

1204 Any special use permit approved by the Planning Commission pursuant to the
1205 provisions of this Ordinance shall be binding between the parties, and said use
1206 shall not be modified, altered, expanded, or otherwise changed unless such a
1207 change is authorized in a writing signed by the Planning Commission. Further, any
1208 conditions to an approval shall run with the land and shall be binding on the
1209 landowner, his successors, heirs and assigns.
1210

1211
1212 **Section 11.06 - Data Required in Application**

1213 An application for a special use permit shall be submitted to the Planning
1214 Commission through the Building Inspector. Each application shall be made by the

1215 owner of record of the property on which the proposed special land use is to exist
1216 or be conducted, or by an applicant, if not the owner, with a signed authorization
1217 of the property owner, and shall be accompanied by the payment of a fee as set
1218 forth in the schedule established by the Township Board to cover the costs of
1219 processing the special use permit application. Each application shall include the
1220 following information:

- 1221
- 1222 1. The name, address, telephone number and email address of the property
1223 owner or applicant, or any other parties involved.
 - 1224 2. A full legal description of the property on which the proposed special use is
1225 to exist or be conducted, including the property tax parcel number(s).
 - 1226 3. A detailed description of the proposed special use for which the permit is
1227 requested.
 - 1228 4. Land uses and existing structures on the subject parcel and adjoining
1229 parcels within three hundred (300) feet of the subject parcel.
 - 1230 5. A detailed site plan.
 - 1231 6. A statement and supporting evidence regarding the required findings set
1232 forth in Section 10.05 below, provided, however, the Planning Commission
1233 shall be and is authorized to waive any data required therein.
 - 1234 7. The requester shall provide six (6) sets of all required documents, or an
1235 electronic version.
- 1236

1237 **Section 11.07 – Hearing**

1238 ~~The Planning Commission shall schedule a hearing following the notification~~
1239 ~~requirements of Section 1.05 except as provided in reference to a 72 hour permit~~
1240 ~~section.~~

1241 Upon receipt of a special use permit application, which is supported by all the data
1242 and fees required above, the Planning Commission shall hold a public hearing at
1243 the earliest Planning Commission meeting practicable following the notification
1244 requirements of Section 1.06, except as provided in reference to a 72-hour
1245 duration, temporary permit provided for in Section 11.03.

1246

1247 **Section 11.08 - Required Findings**

1248 The Planning Commission shall establish that the standards specified in this
1249 Section, as well as applicable standards outlined elsewhere in this Ordinance, are
1250 satisfied. The Planning Commission shall also review the particular circumstances
1251 and facts of the proposed use in the light of the following required findings:

- 1252 1. That public facilities and services such as highways, fire and police protection,
1253 drainage facilities, refuse disposal and schools are adequate for the proposed
1254 use or are capable of being adequately provided by the agencies responsible
1255 therefore.
- 1256 2. That the use does not create excessive additional requirements for public
1257 facilities and services.
- 1258 3. That the proposed use, activities, processes, materials, equipment, and
1259 conditions of operation will not be detrimental to the public welfare, surrounding
1260 property, persons or property by reason of excessive production of traffic,
1261 noise, smoke, fumes, flare, or odors.

- 1262 4. That liquids and other waste of any kind will be confined, treated or purified so
1263 as to prevent pollution of air, water or soil resources.
- 1264 5. That the use be designed, constructed, operated and maintained so as to be
1265 harmonious in effect and appropriate in appearance with the existing or
1266 intended character of the general vicinity as indicated in the Township Master
1267 Plan or other policies of the Township and consistent with the intent and
1268 purposes of this ordinance.
- 1269 6. The property shall have sufficient area to accommodate all facilities for
1270 intended use such as disposal and treatment of all waste, parking, accessory
1271 buildings, isolation, and screening.
- 1272 7. That all applicable Federal, state, and local permits shall be obtained
- 1273 8. That the use not be unduly hazardous or disturbing to existing uses in the same
1274 general vicinity and not have substantial adverse effects on surrounding
1275 property and the community as a whole.
- 1276 9. That the use is in compliance with the requirements of the district in which it is
1277 proposed and all other applicable standards in this Ordinance.
- 1278

Section 11.09 - Determination and Issuance

1280 The Planning Commission may determine special uses shall have the authority to
1281 grant, with or without conditions, or deny a special use permit in light of the required
1282 findings and conditions specified in this Ordinance. If the facts in the case establish
1283 that the required findings can be made and will be applicable to the proposed use
1284 and upon a decision by the Planning Commission, the Planning Commission shall
1285 grant and authorize the Building Inspector to issue a special use permit. In the
1286 granting of any special use permit the Planning Commission may impose such
1287 conditions of use as it deems necessary to protect the best interest of the Township
1288 of Jerome and the surrounding property and to achieve the objectives of this
1289 ordinance, and the breach of any such condition shall automatically invalidate the
1290 permit thereof. Where a special use permit is granted specifically based upon the
1291 necessity for the applicant to obtain a variance, or variances, from the Zoning
1292 Board of Appeals, the permit shall not be valid until such variances are obtained.

1293 A special use permit issued pursuant to the requirements of this Ordinance shall
1294 be valid for a period of one year from the date of issuance of said permit. If the
1295 construction or use has not commenced and proceeded meaningfully toward
1296 completion by the end of this period, the special use permit shall be null and void,
1297 unless an extension is granted by the Planning Commission. Notwithstanding any
1298 of the foregoing, a special use permit shall become null and void if construction is
1299 not completed within five years of the date the special use permit is approved, or
1300 if the approved use has not operated during that same time.

Section 11.10 - Reapplication

1301 No application for a special use permit which has been denied wholly or in part by
1302 the Planning Commission shall be resubmitted for a period of six (6) months from
1303 such denial, except on the grounds of new evidence or proof of changed
1304 conditions.
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Section 11.11 – Revocation

If at any time during the existence of a permitted special land use the land, lot, or structures are used contrary to the conditions and provisions of the permit, said use shall be deemed a violation of the special use permit and the permit may be revoked.

ARTICLE XII SUPPLEMENTARY REGULATIONS

~~The provisions of this ordinance shall be subject to such modifications, additions, exceptions, or limitations as herein provided by the following supplementary regulations~~

In addition to the development and performance requirements set forth in the districts established above, other standards and requirements are necessary to ensure that the development of land occurs in an efficient and orderly manner. It is the intent of this Article to set forth provisions that will regulate the uses allowed in all districts. To the extent any requirement set forth in this Article is in conflict with another requirement under this Ordinance, the stricter requirement shall apply.

Section 12.01 Temporary Structures for Dwelling Purposes, Permit Required

If a building permit has been issued for a permanent dwelling, written permission may be granted by the Building Inspector to occupy a temporary dwelling for the period covered by the building permit subject to the provisions of section 11.02, after which temporary building shall be removed or made to comply with the provisions of the Zoning Ordinance.

Section 12.02 Required Water Supply and Sanitary Sewage Facilities

In the interest of public health and welfare every building or structure hereafter erected, altered or moved upon any premises or moored in a body of water at the shore bordering any premises and used for dwelling, commercial, or industrial purposes shall be provided with:

1. An adequate, safe and sanitary water supply furnished under pressure through a system of pipes from a public supply if available or from a well on the premises, the site of which is approved by the Midland County Health Department and constructed in compliance with all state or local regulations.
2. A safe and sanitary means of collecting waste from all facilities used for the disposal of human wastes and disposing of them in a septic system which, when not municipally controlled, shall be located on the property where the wastes originate. Such a system shall conform to the Midland County Health Department Regulations. Other means of disposal may be approved by the Planning Commission.

Section 12.03 Exceptions to Regulations

1. Essential Services shall be permitted as authorized and regulated by law and subject to the provisions of Article X.

- 1354 2. Two or more dwellings may be erected on a parcel of land under one
1355 ownership provided sufficient land is assigned to each dwelling prior to
1356 construction and that conforms to the yard and area requirements of that
1357 district.
- 1358 3. The height limitations of this ordinance shall not apply to buildings used for
1359 agricultural purposes, church spires, belfries, cupolas, domes, chimneys,
1360 antennas, ventilators, water tanks, bulkheads, similar features and
1361 necessary mechanical appurtenances usually carried above roof level.
1362 Such features, however, shall be erected only to such height as is
1363 necessary to accomplish the purpose they are to serve and then only in
1364 accordance with any other governmental regulations.
- 1365 4. When a mobile home is exchanged or relocated on the same premises,
1366 permits and inspections are required.
- 1367 5. No required open space of one building shall overlap the required open
1368 space of another building.
- 1369 6. Removal of rock, sand, gravel, topsoil, minerals and natural materials in
1370 excess of 100 cubic yards per year, together with necessary buildings,
1371 apparatus, or appurtenances incidental thereto are subject to the provisions
1372 of Article X.
- 1373 7. Beaches, bathhouses and boat landings, picnic grounds operated for gain
1374 are subject to the provisions of Article X.
- 1375 8. Carnivals, circuses, races, sport events, tent meetings, temporary signs and
1376 other transient enterprises when the activities are to be located on property,
1377 the present uses of which do not invite participation by the public, provided,
1378 however, that the Building Inspector may issue special use permits for a
1379 period not to exceed seventy-two (72) hours after he has determined that
1380 the use is in compliance with the findings listed in Section 10.05.
- 1381 9. Garage sales must be managed in any district in which they are held so as
1382 not to create traffic hazards or impinge on neighbors to the extent they
1383 create a nuisance.

1384
1385 **Section 12.04 - Groundwater Quality Protection**

- 1386 1. Wastewater treatment systems, including on-site septic systems, shall be
1387 located to minimize any potential degradation of surface water on
1388 groundwater quality.
- 1389 2. Sites which include storage of hazardous materials or waste shall be
1390 designed and constructed to prevent spills and discharges of said materials
1391 and subject to Federal, State and local regulations.

1392
1393 **Section 12.05 Location of Accessory Buildings and/or Structures**

1394 Reasonable accessory buildings, structures, and uses supplemental, incidental
1395 and subordinate to a principal building or the principal use that is permitted in any
1396 district shall also be permitted when located on the same premises, provided that
1397 such accessory buildings and uses conform to the provisions prescribed in this
1398 Ordinance for the respective district. An accessory building may not be located on
1399 a separate premises from the principal building without a special use permit.
1400 Accessory buildings, except as otherwise permitted in this Ordinance, are

1401 permitted in all zoning districts unless otherwise specified, and shall be subject to
1402 the following regulations: CONTAINERS over 200 sq ft as described in definitions
1403 shall be considered as an accessory building and subject to the regulations of this
1404 sections. Containers are not allowed in District A – Residential, One Family.

- 1405 1. All accessory buildings and/or structures if located in the rear yards shall be
1406 at least three (3) feet from the rear lot line.
- 1407 2. All accessory buildings and/or structures if located in the side yards shall be
1408 at least ten (10) feet from the side lot line or eight (8) feet from the side lot
1409 line when lots have a width of 75 feet or less.
- 1410 3. An accessory building and/or structure addition to the principal building on
1411 a lot shall be made structurally a part thereof, and shall comply in all
1412 respects with the requirements applicable to the principal building. This
1413 means that the addition must share a common wall, a contiguous
1414 foundation, and roof line with the principle building and must follow the
1415 aesthetic look of the primary structure. Accessory buildings and/or
1416 structures structurally attached to a principal building are subject to all
1417 regulations applicable to the principle building, and are considered a part
1418 thereof.
- 1419 4. Unattached accessory buildings and/or structures shall not be closer than
1420 ten (10) feet to the principal building.
- 1421 5. Accessory buildings and/or structures shall not be erected in any required
1422 front yard.
- 1423 6. When a dwelling is located an unusual distance back from the road right-of-
1424 way, an accessory building and/or structure may be located between the
1425 front building line of the dwelling on the subject lot and the furthest back
1426 rear building line of the dwelling of adjacent neighbors projected across the
1427 subject lot. In the absence of an established rear building line on either
1428 piece of property adjacent to the subject lot, Accessory buildings and/or
1429 structures will be located at least seventy-five (75) feet back from the road
1430 right-of-way.
- 1431 7. In the case of a corner lot, no accessory building and/or structure shall be
1432 located closer to the side road line than a distance equal to the depth of the
1433 front yard required on said lot.
- 1434 8. No portion of an accessory building and/or structure may be used as a
1435 dwelling. Recreational vehicles, campers, tents or similar movable
1436 structures shall not be considered and or used as accessory buildings or
1437 structures.
- 1438 9. Any accessory structure with a floor area of two hundred (200) square feet
1439 or less shall not require a building or zoning permit.
- 1440 10. One accessory building and/or structure is permitted in each zoning district.
1441 An application for a Special Use Permit may be submitted to the Planning
1442 Commission to request an additional accessory building and/or structure
1443 beyond the one permitted by this Section.
- 1444 11. Any accessory building and/or structure between the rear dwelling building
1445 line and the water's edge shall not exceed three (3) feet in height above
1446 finish grade at the rear dwelling building line. When more than one dwelling

1447 building line is adjacent to a water's edge, this restriction applies to all sides
1448 adjacent to the water.

1449 12. Additional regulations for containers.

1450 a. A foundation of crushed stone, asphalt, concrete or treated lumber is
1451 required.

1452 b. Shall be of uniform color to blend in with the other structures on site.

1453 c. No commercial signage allowed on the structure.

1454 d. Containers shall be sided to match the dwelling, or painted one solid color
1455 on the exterior to match it's surroundings.

1456

1457 **Section 11.05 B. -- Fences, non waterway**

1458 B1. Privacy fences exceeding 3 feet in height must be set back 25 feet from
1459 the road right of way line and may not to exceed seven (7) feet in height
1460 and requires permit.

1461 B2. Open fences through which there is 80% or more clear vision may be
1462 constructed not to exceed seven (7) feet in height up to the road right of
1463 way and requires permit.

1464

1465 **Section 12.06 Fences, waterways Requirements for Fences**

1466

1. All fences require a permit.

1467 2. Except as provided herein, all fences, including privacy fences not to
1468 exceed 7 ft. in height may be constructed up to the road right of way either
1469 along the side yard through the front yard or in the front yard along the
1470 direction of the road. In the case of a corner lot this will include both road
1471 frontages. Fences in residential areas shall be constructed from
1472 conventional fencing material such as wood, metal, vinyl, or brick/rock with
1473 mortar joints. Barbed wire, razor wire, snow fence, shipping crates, chicken
1474 wire, farm fence, concrete reinforcing wire/grid, tree stumps, stacked broken
1475 concrete/ loose bricks or rocks, dirt piles, and similar non-residential fencing
1476 material is not allowed. Fences that carry electric current, or any fence
1477 guard wall, or other protection upon which any spike, nail, or non-
1478 ornamental pointed instrument of any kind is fixed, attached or placed shall
1479 not be permitted. Fence owners must maintain fences. An installed fence
1480 does not constitute an ownership boundary.

1481 3. Fences along the road right of way must be made of 80% or more clear
1482 vision material not to exceed seven (7) feet in height. Open fences through
1483 which there is 80% or more clear vision may be constructed not to exceed
1484 seven (7) feet in height from the rear dwelling building line and requires
1485 permit.

1486 4. Fences shall only be constructed of wood, masonry, vinyl, chain link,
1487 wrought iron, page wire, or another material approved by the Planning
1488 Commission

1489 5. Open fences may be constructed between the dwelling building line and
1490 the waters edge not to exceed 4 feet in height from grade and requires
1491 permit. Once installed the owner shall maintain the fence including the
1492 80% or more clear vision.

1493 Open fences through which there is 80% or more clear vision may be
1494 constructed between the rear dwelling building line and the water's edge only
1495 if not exceeding 4 feet in height.
1496

1497 **Section 12.07 - Required Off-Street Parking and Access**

1498 For each dwelling, business, commercial, industrial or other similar building
1499 hereafter erected or altered, there shall be provided and maintained suitable space
1500 off the right-of-way that is adequate for the parking or loading of vehicles in
1501 proportions as specified in subsection A of this Section, and such space shall be
1502 provided with safe exit to and safe entrance from a thoroughfare. Approval for the
1503 location of such exit and entrance shall be obtained from the County Road
1504 Commission, which shall also approve the design and construction thereof in the
1505 interests of safety, adequate drainage and other public requirements. A minimum
1506 of two hundred (200) square feet, exclusive of drives, entrances, and exits, shall
1507 comprise one (1) automobile parking space. Where an applicant can substantiate
1508 a different parking need than those indicated herein, upon submittal of convincing
1509 written evidence to the Planning Commission, a deviation may be allowed.
1510

1511 **A. ~~Parking Spaces Required:~~ In addition to the below, all non-residential uses shall**
1512 **also provide 1 parking space per employee. Off-street parking requirements are**
1513 **as follows:**
1514

- 1515 1. For dwellings at least one (1) parking space for each dwelling unit.
- 1516 2. For motels at least one (1) parking space for each individual sleeping unit
1517 or guest unit.
- 1518 3. For private clubs at least one (1) parking space for every two (2) of the
1519 active memberships.
- 1520 4. For hospitals at least one (1) parking space for each two (2) patient beds,
1521 excluding bassinets.
- 1522 5. For sanitariums, convalescent homes and rest homes at least one (1)
1523 parking space for each four (4) patient beds.
- 1524 6. For medical or dental clinics three (3) spaces for each doctor or dentist
1525 having an office in such clinic.
- 1526 7. For churches, theaters, auditoriums, stadiums and other places of public
1527 assembly at least one (1) space for each four (4) seats.
- 1528 8. For retail stores, personal service shops, business and professional office
1529 at least one (1) parking space for every two hundred (200) square feet of
1530 gross floor area in said establishment.
- 1531 9. Industrial or manufacturing establishments shall provide parking spaces
1532 sufficient in number to accommodate the parking of automobiles and other
1533 motor vehicles used by the firm or employee or persons doing business
1534 therein.
- 1535 10. Taverns shall provide at least one (1) parking space for every seventy-five
1536 (75) square feet of floor space of said establishment.
1537

1538 The parking requirements for a use not listed above shall be determined by the
1539 Zoning Board of Appeals. The Zoning Board of Appeals' determination shall be

1540 based on a comparison of the proposed use and a similar use that is listed, or, in
1541 the event there is no sufficiently similar use, pursuant to a traffic study provided by
1542 the applicant.

1543

1544 B. Loading - Unloading Spaces Required:

1545

1546 1. In connection with every building or part thereof hereafter erected, except
1547 single- and two-family dwelling unit structures, there shall be provided on
1548 the same lot with such buildings, off-street loading and unloading spaces
1549 for uses which customarily receive or distribute material or merchandise by
1550 vehicle.

1551 2. Plans and specifications showing required loading and unloading spaces
1552 including the means of ingress and egress and interior circulation shall be
1553 submitted to the Township Building Inspector for review at the time of
1554 application for a building permit for the erection or enlargement of a use or
1555 a building or structure.

1556 3. Each off-street loading space shall not be less than the following:

1557 a. For permitted residential (excluding single- and two-family dwelling
1558 unit uses) institutional, and convenience commercial uses, a loading-
1559 unloading space shall not be less than ten (10) feet in width and
1560 twenty-five (25) feet in length and, if a roofed space, not less than
1561 fourteen (14) feet in height.

1562 b. For permitted general commercial and industrial uses, a loading-
1563 unloading space shall not be less than ten (10) feet in width and fifty-
1564 five (55) feet in length, and if a roofed space, not less than fifteen
1565 (15) feet in height.

1566 c. In the case of mixed uses, on one lot or parcel the total requirements
1567 for off-street loading-unloading spaces shall be the sum of the
1568 various uses computed separately.

1569 d. All off-street loading-unloading spaces that make it necessary to
1570 back out directly into a public road shall not be permitted.

1571

1572 C. Parking Restrictions and Requirements:

1573

1574 1. It shall be a violation for any person to park or store any motor vehicle on
1575 property without the express written consent of the owner, holder, occupant,
1576 lessee, agent, or trustee of such property.

1577

1578 2. It shall be a violation for the owner, holder, occupant, lessee, agent, or
1579 trustee of any lot in a Residential Districts A or B to permit or allow the
1580 storage or parking in less than a fully enclosed building, either day or night,
1581 thereon of heavy commercial trucks that exceed 15,000 pounds Gross
1582 Vehicle Weight (GVW), semi-trucks and trailers, manufactured home,
1583 construction equipment, and/or any other similar equipment. Equipment
1584 necessary to be parked overnight on a lot or parcel during construction work
1585 thereon shall be exempted from this restriction.

1586

- 1587 3. No Commercial Vehicle exceeding 15,000 GVW shall be stored or parked
1588 within any road right-of-way in Residential A or B districts except for the
1589 minimum amount of time needed to support the short-term activities on the
1590 property.
1591
1592 4. On-street parking spaces shall not be counted toward the required parking
1593 for any use.
1594
1595 5. It shall be a violation to leave a running vehicle greater than 15,000 pounds
1596 Gross Vehicle Weight unoccupied by the operator in Residential Districts A
1597 and B.
1598
1599 6. Off-street parking may be located within any non-required yard and within
1600 the rear yard set-back unless otherwise provided in this Ordinance. Off-
1601 street parking shall not be permitted in a required front or side yard set-back
1602 unless otherwise provided in this Ordinance.
1603
1604 7. Off-street parking areas shall be surfaced with a material that provides a
1605 durable, smooth and dustless surface (asphalt, concrete, pavers, etc.)
1606 which shall be graded to drain and dispose of storm water.
1607

1608 **Section 12.08 - Nonconforming Uses Nonconforming Uses, Structures and**
1609 **Lots**

1610
1611 A. **Nonconforming Uses of Land**
1612

1613 If a lawful use exists that becomes nonconforming under the terms of this
1614 Ordinance, that use may be continued, so long as it remains otherwise lawful, and
1615 is neither expanded nor extended on the same or adjoining property. The following
1616 standards apply to nonconforming uses:
1617

- 1618 1. The use of land or structures that does not conform to the regulations of the
1619 District in which it is situated prior to the enactment of Ordinance no 4 this
1620 Ordinance, or an amendment thereof, may be continued providing any
1621 alteration conforms to the other provisions of this ordinance and does not
1622 constitute a public nuisance or endanger the public health, safety, or
1623 welfare. No other nonconforming use of any building, structure, or any land
1624 or premise shall be undertaken.
1625 2. ~~If the non-conforming use of any building, structure, land or premise~~
1626 ~~is changed to a conforming use, such use shall not hereafter be~~
1627 ~~reverted to any non-conforming use. A non-conforming use may not~~
1628 ~~be resumed after being converted to a permitted or special use under~~
1629 ~~this Ordinance.~~
1630 3. If the non-conforming use, of any building, structure, land or premise, or part
1631 thereof, is abandoned for a continuous period of 545 days, then any future
1632 use of said building, structure, land or premise shall conform in its entirety
1633 to the provisions of this ordinance.

1634 ~~When district boundaries shall hereafter be changed to another type~~
1635 ~~of district and use becomes non-conforming, said use may continue,~~
1636 ~~but subject to all provisions of Sections 11.07, 11.08, 11.09.~~

1637 4. No nonconforming use may be enlarged, extended, or increased to occupy
1638 a greater area of land than was occupied at the effective date of adoption
1639 or amendment of this Ordinance.

1640 5. No nonconforming use may be moved to any other portion of a lot. A
1641 nonconforming use may be extended to any part of a building which existed
1642 at the time of the adoption or amendment of this Ordinance, but not to any
1643 new building, or to any land outside that building.

1644

1645 B. Nonconforming Structures

1646

1647 Where a lawful structure exists at the time this Ordinance is adopted, and could
1648 not be built under the terms of this Ordinance due to the area, lot coverage, height,
1649 yards, or other characteristics of the structure or its location on the lot, that
1650 structure may be continued so long as it remains otherwise lawful, subject to the
1651 following provisions:

1652

1653 1. A nonconforming building that has been damaged by fire, explosion, Act of
1654 God, neglect, natural deterioration, or the public enemy to the extent that
1655 more than fifty (50) percent of its assessed value has been eliminated shall
1656 not be restored unless in conformity with the regulations of this Ordinance
1657 applying to the district in which that building is located. A building that has
1658 lost fifty (50) percent or less of its assessed value may be repaired, but any
1659 repair or reconstruction must be completed within one (1) year of the date
1660 the damage occurs.

1661 2. A non-conforming structure that is moved from its original location must
1662 conform to the regulations for the district to which it is moved as established
1663 by this Ordinance and will no longer be considered a lawful nonconforming
1664 use.

1665 3. No nonconforming structure may be enlarged or altered in a way which
1666 would increase its nonconformity.

1667 4. Nothing in this Ordinance shall prohibit the repair or modernizing of a lawful
1668 nonconforming structure to correct deterioration, obsolescence,
1669 depreciation, or wear, provided that such activity does not increase the
1670 nonconformity of the structure, or exceed the cost of fifty (50) percent of the
1671 structures assessed value.

1672

1673 C. Nonconforming Lots

1674

1675 1. Any lot that was a non-conforming lot of record on the date this Ordinance
1676 was adopted is still considered a buildable lot for the construction of a
1677 single-family dwelling and accessory buildings. The dimensional
1678 requirements of this Ordinance, other than lot area and width requirements,
1679 must be met for such a lot to be considered buildable under this Section.

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2. No portion of a lot shall be used or sold in a manner that diminishes compliance with lot area or lot width requirements of the district in which it is located, nor shall any division of a lot be made that creates a lot with area or width less than the requirements of the district in which it is located.

3.

4. **Section 11.08 – Reconstruction of Damaged Non-Conforming Buildings and Structures**

5. ~~Nothing in this ordinance shall prevent the reconstruction, repair or restoration and the continued non-conforming use, building or structure, damaged by fire, collapse, explosion, acts of God, acts of the public enemy, or rendered necessary by deterioration or depreciation, subsequent to November 5, 1968, provided, that such restoration and resumption shall take place within 545 days of the time of such damage; further, that said use be identical with the non-conforming use permitted directly preceding said damage. Lots must be cleaned up after restoration, reconstruction, or repair within 60 days. A complete restoration or reconstruction of a nonconforming use shall require a site plan review with the intention of making the use or structure more conforming, if not built on the same footprint. The building inspector may require a site plan review of any partial restoration or reconstruction of a non conforming use.~~

Section 12.09 – Driveways and Private Roads

A. Driveways

1. New driveways or modified driveway connections to a private road require a permit from the Midland County Road Commission.
2. All driveways must meet the requirements of a driveway for the Midland County Road Commission.
3. Long Driveways (greater than 200 feet in length) must have at least a 12-foot-wide driving surface and at least 14-foot-wide open space cleared of tree limbs, scrubs, or other obstructions to fire or emergency vehicles. The long driveways greater than 200 feet must have a bend or curve radius not less than 60 feet with overhead clearance of 12 feet in height along a 14-foot-wide clear path. A special use permit is required for all bridges on a long driveway.

B. Private Roads

Private roads are permitted provided they conform to the regulations of this Section:

~~Construction Standards: The creation of a private road that serves a division of land or a condominium development consisting of one or more principal buildings, building envelopes or lots (other than a subdivision as defined by the Subdivision Control Act of 1967) shall meet or exceed the~~

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~~cross-sectional construction standards established by the Midland County Road Commission for public roads.~~

A. Right-of-Way Width: All private roads shall have a minimum right-of-way easement of at least sixty-six (66) feet. **an improved surface with a minimum width of 30 feet.**

1. Dedication of Rights-of-Way or Easements: A private road is not required to be dedicated to the public unless otherwise required pursuant to an approval provided under this Ordinance. No private road, or related structure or development activity shall be established within approved rights-of-way. All plans, as submitted for approval, must show private road easement(s), including a legal description, and must include the grades for these roads.
2. Connection to County Roads: Construction authorization from the Midland County Road Commission is required for connection to County roads. When applicable, a permit is also required from the County under the Soil Erosion and Sedimentation Control Act, PA 347 of 1972. The Township Board shall not approve a private road unless it connects to a county road or another private road, which in turn, connects to a county road.
3. Application Review and Approval or Rejection: The following information shall be submitted to the Building Inspector:
 - a. A site plan for the private road, proposed road maintenance agreement and road easement agreement.
 - b. The Building Inspector shall submit the private road site plan to the Township Board for review and recommendation.
 - c. The proposed road maintenance agreement and road easement agreement shall be sent to the Township Attorney for review.
 - d. The Township Board shall be responsible for granting final approval for the private road.
4. If the private road application is approved by the Township Board and attorney, construction authorization will be issued by the Building Inspector. If the application is rejected, the reasons for the rejection and any regulations for approval shall be given in writing to the applicant.
5. Failure to Perform: Failure by the applicant to begin construction of the private road according to approved plans on file with the Township within one (1) year from the date of approval shall void the approval and a new plan shall be required by the Township subject to any changes made herein or subject to any changes made by the Midland County Road Commission or the Township in its standards and specifications for road construction and development. The private road shall be completed within one and one-half (1-1/2) years of the date of approval of the private road.
6. Issuance of Building Permit for Structures on Private Roads: No building permit shall be issued for a structure on any private road until such private road is given final approval by the Township Board.

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7. Posting of Private Roads: All private roads shall be designated as such and shall be clearly posted with a clearly readable name, which can be easily seen in an emergency. The sign shall be paid for, posted, and thereafter maintained by the property owners of the property serviced by the private road, property owner's association or developer.
 8. Fees - An application fee may be established by resolution of the Township Board. Before final approval by the Township Board, any costs incurred by the Township in their review of the project shall be paid for by the applicant.
 9. Extending Existing Private Roads: In those cases where the applicant wishes to extend an existing private road, such extension shall be granted only if the existing private road is brought up to the standards set forth in this Ordinance for private roads. All such standards shall be deemed to apply to both the proposed extension and the existing roadway.
 10. Roadways Not Meeting Standards: In those instances where a permit is being sought for the construction of a structure on an existing private road which does not meet the standards set forth in this Ordinance, the Township shall require that said private roadway be brought up to the standards as herein set forth before a permit will be issued.

1794 **Section 12.10 - Condominium Use**

1795 Any condominium use in any district shall be subject to a site plan review as per
1796 Article IX Site Plan Review.
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1798 **Section 12.11 - Mobile Home as Dwelling Units**

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1. **New Installations:** Acceptable Mobile Homes are single units with a 14-foot minimum width on an enclosed foundation or on piers and enclosed with skirting. All Mobile Homes must meet the dwelling area minimum requirement for the zoning district in which it is located. A building permit is required for occupancy based on the inspection of the mechanical, electrical, plumbing, and building inspector.
 2. **Existing Mobile Home Replacements:** Mobile Homes that already exist in Jerome Township may be replaced on the same parcel as long as the building inspector has given approval. The replacement Mobile Home is considered an upgrade and must meet all current safety requirements and code inspections. The Mobile Home being replaced must be removed from the site before the replacement installation is permitted. The replacement Mobile Home must meet all other requirements of this Section. This is only for a replacement and not a new installation of a Mobile Home on a new lot.

1816 **Section 12.12 - Open Space Preservation**

1817
1818 Statement of Intent: The purpose of this Section of the Zoning Ordinance is to
1819 allow alternative subdivision designs that preserve Jerome Township's character

1820 and environmentally sensitive elements, while providing housing communities that
1821 are desired by the community and the general public. To provide for “Open Space
1822 Preservation” requirements under Section 506 of the Michigan Zoning Enabling
1823 Act, MCL 125.3506.

1824
1825 Cluster housing communities shall promote the following objectives:

- 1826
1827 a. Maintain an image of open space within the Township.
1828 b. Preserve open space within the township.
1829 c. Incorporate and preserve significant environmental features such as
1830 woodlands, wetlands, rural areas and recreational resources within
1831 the Township.
1832 d. Achieve a balance between open space and residential growth within
1833 the Township.

1834

1835 Definitions

- 1836 a. Greenbelt: Protected natural lands or working lands that serve as a
1837 framework for development while also preserving native ecosystems
1838 and/or farms or ranchland.
1839 b. View Shed: The volume of space through which a significant natural
1840 feature is visible from a designated point or area
1841 c. Limited Common Areas: Commons that benefit more than one
1842 member of the cluster, but not all members.

1843

1844 1. **Site Criteria**

1845 **Location of Open Space Communities:**

1846 An open space community may be located in districts designated as permitted
1847 uses in the Jerome Township Zoning Ordinance.

1848 **Access:**

1849 The open space community shall have direct access to an approved public
1850 roadway with construction suitable for handling the normal traffic load plus that
1851 in the open space community upon final completion.

1852

1853 Open Space Criteria:

1854 a. Protects and preserves all beach contiguous to a lake, stream, wetland,
1855 (any area which is not accepted by the Midland County Community Health
1856 Department of jurisdiction for on-site sewage disposal unless an alternate
1857 system of sewage disposal is approved by Midland County Community
1858 Health department of jurisdiction), flood plain, existing public utility
1859 easements, existing public right-of-way, waterfront set-back areas, and
1860 slopes 25 percent or greater (including a buffer area around such areas)
1861 from clearing, grading, filling, and construction.

1862

1863 b. As practical, preserves and maintains existing fields, meadows, crop land,
1864 pastures, and orchards and creates sufficient buffer areas to minimize
1865 conflicts between residential and agricultural/forestry uses. When new
1866 development must be located in these areas due to greater constraints in

- 1867 all other parts of the site, buildings should be sited on the least prime and
1868 important or unique farmland or forest land soils, and in locations at the far
1869 edge of a field, as seen from existing roads.
1870
- 1871 c. Maintains or creates an upland buffer of natural native species vegetation
1872 on at least one hundred (100) feet in depth from the residential property line
1873 adjacent to wetlands and surface waters.
1874
- 1875 d. Minimizes impacts on large woodlands (greater than 5 acres) especially
1876 those located on upland soils considered prime for timber production.
1877
- 1878 e. Leave scenic views and vistas unblocked and uninterrupted, particularly as
1879 seen from adjacent roads and surface water.
1880
- 1881 f. Avoids siting new construction on prominent hilltops or ridges, by taking
1882 advantage of lower topographic features or by siting in forested areas.
1883
- 1884 g. Protects wildlife habitat areas of species listed as endangered or
1885 threatened.
1886
- 1887 h. Designs around and preserves sites of historic, archaeological, or cultural
1888 value, insofar as needed to safeguard the character of the feature.
1889
- 1890 i. Protects rural roadside character and improves public safety and vehicular
1891 carrying capacity by avoiding development fronting directly onto existing
1892 public roads. Establishes buffer zones along the scenic corridor of rural
1893 roads. Establishes buffer zones along the scenic corridor of rural roads with
1894 historic building, stone walls, hedgerows etc.
1895
- 1896 j. Provides that Conservation Lands of this ordinance shall be reasonable and
1897 contiguous. While conservation lands are exempt from the 4/1 maximum
1898 parcel width to depth ratio, fragmentation of these lands shall as much as
1899 practical be minimized so that (except for common greens and playground
1900 areas) these areas are not divided into numerous small parcels located in
1901 various parts of the development.
1902
- 1903 k. When Conservation lands are held in common by surrounding parcel
1904 owners the proposed site plan shall:
- 1905 l. Provide for active recreational areas in suitable locations that offer
1906 convenient access by residents and adequate screening from near-by
1907 parcels in buildable areas.
- 1908 m. Include a pedestrian circulation system designed to assure that pedestrians
1909 can walk safely and easily on the site, between parcels, activity areas,
1910 special features, and contiguous developments.
1911
- 1912 n. Ownership of Conservation Lands of this Ordinance may remain with the
1913 owner of the parent parcel, a homeowners association made up of parcel

- 1914 owners in the development, the township, or a recognized non-profit land
1915 conservancy.
- 1916 o. Required Elements: In all open space communities, at least two (2) of the
1917 following items must be present.
- 1918 • **Preservation of Natural Amenities** - Sites preserving a significant
1919 quantity of any of the following:
 - 1920 a. **Organic Amenities:** Significant views and vistas, mature woodlands,
1921 wetlands or lowland areas, prairie, bodies of open water (such as
1922 ponds, streams, natural drainage ways), wildlife habitat or corridors,
1923 and significant size trees (six to eight inches or more, measured five
1924 feet above the grade).
 - 1925 b. **Non-organic Amenities:** Farmhouses (viable for restoration and/or
1926 preservation) fence lines (stone or wood), buildings or foundations of
1927 historical value.
 - 1928
 - 1929 • **Provisions for Recreational Facilities** - The submittal should include
1930 both passive and/or active recreation areas for residents within the open
1931 space community. Passive recreation areas shall include areas such as
1932 pathway systems, common green areas of a substantial size, and
1933 open/preserves natural amenity areas, or other areas or uses consistent
1934 in nature. Active recreation areas shall include areas such as children
1935 play sets, sports fields (i.e., football, soccer, baseball), and other fitness
1936 areas that are consistent in nature.
 - 1937
 - 1938 • **Creation of Natural Amenities** - These areas are to be constructed in
1939 a manner that replicates a natural setting. A percentage of these areas
1940 should remain "unmanicured," allowing natural growth and processes to
1941 occur. These areas can take a number of forms, such as woodlands
1942 (interior street tree plantings shall not count for this requirement),
1943 wildflower or grass meadows, constructed wetlands (preferably
1944 extension to an existing), or other areas consistent in nature.
 - 1945
 - 1946 • **Preservation of Agriculture** - Land uses, such as orchards, horse
1947 stables, active farms, or other similar agriculture uses, shall be
1948 preserved, where feasible or viable. In no way shall an intensive animal
1949 raising, slaughterhouse, or similar use be allowed within an open space
1950 community. A buffer shall be maintained between the agricultural use
1951 and the residential units.

1952

1953 All of the above-mentioned areas shall be accessible or open to all residents within
1954 the open space community, with the exception of farmland. Under the open space
1955 community provision, the net dwelling lot density shall be no greater than that
1956 normally permitted within that zoning district. The maximum "density" shall be the
1957 maximum number of dwelling lots permitted by the approved Parallel Plan. Density
1958 does not guarantee any specific number of lots from any individual parcel or group
1959 of parcels. Rather, density refers to the number of lots which can be platted on the

1960 subject parcel. The type of dwellings allowed in the "Open Space Community"
1961 area is restricted to stand-alone single-family homes.

1962

1963 2. **Submission Requirements.**

1964

1965 a. **Parallel Plan:** A "parallel plan" shall be prepared by the developer showing
1966 a feasible development under the requirements of the specific zoning district
1967 in which it is located and the requirements of any and all State, County and
1968 Township Subdivision regulations. All lots, roads and other improvements
1969 shall be designed so that they do not adversely impact wetlands, floodplains
1970 or drainage-ways, as regulated by Federal, State, County or local agencies.
1971 The Planning Commission must determine that this parallel plan or
1972 conventional subdivision is able to be physically constructed and meet all
1973 current subdivisions regulations, should the Open Space Community be
1974 denied or not constructed. This plan shall include proposed parcels, roads,
1975 right of way, plus areas which are not in the buildable area. If there is a
1976 question regarding water, septic, wetlands or floodplains, the Planning
1977 Commission may request validation from the proper regulatory authority. If
1978 it is determined, through these responses, that the number of lots proposed
1979 is unfeasible, the parallel plan shall be revised and resubmitted, minus that
1980 number of lots. Detailed Engineering is not required at this stage.

1981

1982 b. **Waiver of Parallel Plan Provision:** The Planning Commission may also
1983 waive the submission of a "parallel" plan if it is determined that the number
1984 of housing units proposed for open space development is, without question,
1985 well below what would be feasible for the site. Such waivers must be
1986 detailed in writing and recorded as part of the motion in the minutes of the
1987 Planning Commission. The Waiver may only be granted if it is determined
1988 by the Planning Commission that the proposed open space design will be
1989 a major benefit to the Township and achieve all the goals and objectives set
1990 forth in the:

1991

- Jerome Township Master Plan
- Jerome Township Open Space Community Zoning Amendment

1992

1993

1994 c. **Site Analysis:** A site Analysis Plan shall be submitted, showing the
1995 following site features:

1996

1997 i. Wetlands, as determined by the Michigan Department of
1998 Environmental Quality

1999 ii. Water areas, such as streams and ponds

2000 iii. Woodlands and farmlands

2001 iv. Soils and topography

2002 v. Drainage patterns and County drains

2003 vi. Historic and cultural features

2004 vii. Wildlife habitat corridors

2005 viii. View sheds and view corridors

2006 ix. Existing easements of record

- 2007 x. Existing and proposed rights-of-way
- 2008 xi. Existing infrastructure
- 2009 xii. Adjacent development within two hundred (200) feet
- 2010

2011 3. Conservation Areas Plan.

2012 The combination of the site analysis elements noted above shall be used to outline
2013 the primary and secondary conservation areas. The primary conservation areas
2014 include areas where no development is to occur. The secondary conservation
2015 areas are areas where development can occur, but special care must be taken to
2016 minimize adverse impacts.

- 2017 • **Primary Conservation Areas** - floodplains, regulated wetlands,
2018 drainage-ways, easements, 150 - foot exterior road buffer, or
2019 other exceptional elements.
- 2020 • **Secondary Conservation Areas** - farmlands, woodlands,
2021 suspected or marginal wetlands, tree lines, soils sensitive to
2022 development, soils prone to flooding, aesthetic views, etc.
 - 2023 • **Buildable Areas** - areas that are not dedicated to primary
2024 conservation areas may be treated as buildable areas. Housing
2025 sites should be located so as to complement the conservation
2026 areas.

2027 4. Open Space Plan.

2028 An Open Space Plan, with the proposed housing layout shall not exceed the
2029 maximum number of housing units determined by the “parallel plan”. The
2030 roads shall also be shown to provide interior access to all homes. At this stage,
2031 the drawings need not be engineered, only drawn to scale.

2032 5. The Review Process.

- 2033 a. The Planning Commission shall determine that the “parallel plan” submitted
2034 meets all applicable regulations of the Jerome Township Zoning Ordinance
2035 and the State Subdivision Control Act unless the parallel plan requirement
2036 is waived per section 3b.
- 2037 b. The Planning Commission shall confirm the accuracy and feasibility of the
2038 open space plan noted above.
- 2039 c. Planning Commission Determination.
 - 2040 i. Upon approval, the proprietor may undertake the process for
2041 Subdivision or Site Condominium approval, or Parcel Division per
2042 State Law and Township Ordinance.
 - 2043 ii. Upon denial, the proprietor may either submit the “parallel plan” for
2044 approval under the Subdivision or Site Condominium review
2045 process, or submit a new application for an open space community.
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2049 6. Site Design Requirements.

- 2050 a. Unless otherwise provided for in this Ordinance, all other applicable
2051 Zoning Ordinance provisions shall apply.
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- b. **Minimum Lot Size** – 5000 square feet minimum subject to the requirements of the State and County Health Departments' regulations or standards, whichever is larger.
- c. **Minimum Dwelling size** – Same as required by the Jerome Township current zoning map and all other zone ordinances.
- d. **Minimum Yard Set-backs** – Side, front and rear set-backs shall be the same as those required for each zoned area per the Jerome Township Ordinance with the exception of agricultural District E where they are the same as District A.
- e. **Development Layout** - The development is encouraged to include roads that are single loaded, referring to homes along only one side of the street. This type of development will allow for a greater number of views and vistas onto the open space.
- f. **Minimum Exterior Road Buffer** - The developer shall preserve a minimum of a 150-foot buffer from the proposed right-of-way along any County Road, Township Road, or State Highway servicing the open space development.
- g. **Minimum Open Space** - A minimum of fifty (50%) percent of the gross land area shall be set aside for common open space uses.
- h. **Open Space shall be defined as follows:** All area within the open space development, not individually owned or part of a limited common area, which are designed and intended to preserve environmental features for the common use and enjoyment of the residents of the entire development for any of the following uses: recreation, forestry and/or open space conservation, community gardens, playgrounds, park areas or agricultural uses. The open space requirements shall not be met by land uses such as golf courses or other exclusionary commercial recreational uses, lot area within set-backs for each specific lot, or land area dedicated as limited commons.
- i. **Maximum Amount of Unbuildable Land Used as Open Space** - A maximum of fifty (50%) percent of the total open space allotment may be unbuildable land. Unbuildable land is considered to be land that is deed restricted, regulated by Michigan Department of Environmental Quality, The Environmental Protection Agency, Army Corps of Engineers, or any other regulatory body or agency which has jurisdiction over land which cannot be used for the construction of housing.
- j. **Houses Abutting the Open Space** - A minimum of fifty (50%) percent of all dwelling units within the development shall abut or overlook the dedicated open space.
- k. **Access to Open Space** - Access points or paths shall be provided to afford access to open space and common areas. These access points shall link the open space to the roadway, sidewalks, or the remainder of the development.
- l. **General Lot Character** - Flag lots or panhandle lots shall not be permitted within an open space community.

- 2098 m. **Natural Area** – A100 foot greenbelt from the residential property lines
2099 shall be required around any natural features or farmland preserved
2100 within the common open space areas.
2101 n. **Pedestrian Circulation** - Adequate pedestrian circulation shall be
2102 provided by the applicant for on-site circulation. Adequate access shall
2103 be provided to all open space/ recreational spaces from the residential
2104 areas. "Natural paths or bike paths" are encouraged within the
2105 development. Paths provided within the development shall be
2106 constructed of gravel, woodchip, or other similar material as approved
2107 by the Planning Commission.
2108 o. **Garages** - Garages shall be located to maximize the view of the open
2109 space.
2110 p. **Overall Architectural Character** - A diversity of single-family housing
2111 styles, colors, and configurations are encouraged throughout the
2112 development.
2113

2114 7. **Roadways** - Roadway surface and base standards shall conform to approved
2115 Midland County Road Commission standards. All roads shall be asphalt or
2116 paved.
2117

2118 8. **Dedication of Open Space.** The dedicated open space shall be set aside in an
2119 irrevocable conveyance that is acceptable to the Township Attorney and
2120 approved by the Township Board, such as the following:

- 2121 1. A Conservation Easement, as established by the State of Michigan
2122 Conservation and Historic Preservation act, Public Act 197 of 1980, as
2123 amended (M.C.L. 399.251).
2124 2. Master Deed, as established by the State of Michigan Condominium Act,
2125 Act 59 Public Act of 1978, as amended.
2126 3. Distributed, gift or sale of the development rights to all property owners
2127 within the Open Space Community.
2128

2129 The above conveyance shall indicate all proposed uses of the dedicated open
2130 space, which shall also be shown on the approved open space or farmland
2131 community. The Township Attorney shall review the conveyance and assure the
2132 Township that such lands shall remain as open space for perpetuity. The
2133 conveyance shall also detail a maintenance schedule and funding for operation,
2134 maintenance and insurance for all common areas, facilities, projects and programs
2135 of the Open Space Community, and shall include methods of payment and
2136 collection.
2137

2138 **Section 12.13 – Commercial Wireless Communications Facilities**

2139 A. Purpose and Intent:
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2141 It is the general purpose and intent of Jerome Township to carry out the will of the
2142 United States Congress by authorizing communication facilities needed to operate
2143 wireless communication systems while protecting the public health, safety and
2144

2145 general welfare of the community. However, it is the further purpose and interest
2146 of Jerome Township to provide for such authorization in a manner which will retain
2147 the integrity of neighborhoods and the character, property values and aesthetic
2148 quality of the community at large. In fashioning and administering the provisions of
2149 this section, attempt has been made to balance these potentially competing
2150 interests. These regulations will:

- 2151 (1) Facilitate the provision of wireless telecommunication services to the
2152 residents and businesses of the Township,
- 2153 (2) Minimize adverse visual effects of towers through design and siting
2154 standards,
- 2155 (3) Avoid potential damage to adjacent property from tower failure
2156 through structural standards and set-back requirements,
- 2157 (4) Maximize the use of existing approved towers and buildings to
2158 accommodate new wireless telecommunication facilities in order to
2159 reduce the number of towers necessary to serve the community.
2160

2161 After an application for special use approval has been submitted for a wireless
2162 communications facility, the Township, and its bodies and officials shall process
2163 the application pursuant to the procedures of this Ordinance and Section 514 of
2164 the Michigan Zoning Enabling Act ("MZEA"), including its timing requirements.
2165

2166 B. Zoning district regulations:
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2168 A wireless communications facility shall require a building permit in all instances
2169 and may be permitted as follows:
2170

- 2171 1. All Districts: A wireless communications facility may locate on any existing
2172 guyed tower, lattice tower, mono-pole, electric utility transmission tower, fire
2173 tower or water tower, provided that the installation of the new facility does
2174 not violate required set-backs for the increase in the height. Such
2175 installations shall be permitted in all zoning districts and shall require a
2176 special use permit with a site plan review.
2177
- 2178 2. Towers in Residentially zoned areas are only allowed if they are towers
2179 supporting commercial antennas and conforming to all applicable
2180 provisions of this Ordinance and shall be allowed only in the following
2181 locations and shall be permitted through the site plan review procedures as
2182 outlined in The Jerome Township Zoning Ordinance.
 - 2183 i. Church sites, when camouflaged as steeples or bell towers:
 - 2184 ii. Park sites, when compatible with the nature of the park; and,
 - 2185 iii. Government, school, utility and institutional sites, according to the
2186 Statement of Priority of users and minimum requirements for use of
2187 Township owned properties.
 - 2188 iv. Wireless telecommunication antennas on roofs, walls and existing
2189 towers may be approved by the Jerome Township Planning
2190 Commission provided the antennas meet the requirements of this
2191 Ordinance after submittal of a final site plan and a report prepared

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by a licensed professional engineer indicating the existing structure or tower's suitability to accept the antenna and the proposed method for affixing the antenna to the structure. Complete details of all fixtures and couplings and the precise point of attachment shall be indicated.

3. Towers in agricultural, commercial or industrial zoned areas are allowed, if they qualify as towers allowed in residential zoned areas. Newly constructed towers in agricultural, commercial or industrial zoned areas are allowed by Special Use Permit if the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a two (2) mile radius of the proposed tower location due to one or more of the following reasons:
 - i. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
 - ii. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
 - iii. Other unforeseen reasons make it not feasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
 - iv. Tower structures built by other than a licensed carrier may not be constructed until at least two carriers have been secured to occupy the structure. Contracts with such carriers will be required by the Township as proof that two licensed carriers will occupy the structure.

C. Co-Location:

In order to maximize the efficiency of the provision of services, while also minimizing the impact of towers on the Township, co-location, or the provision of more than one antenna and more than one user on a single tower at a single location, shall be strongly encouraged. Applications shall be denied if existing towers or structures are located within the geographic area which meet the applicant's engineering requirements. Licensed carriers and tower operators shall share wireless communications facilities and sites where feasible and appropriate, thereby reducing the number of wireless communications facilities that are standalone facilities.

All applicants for a Special Use Permit for a wireless communications facility shall demonstrate a good faith effort to co-locate with other carriers. Such good faith effort shall include:

1. A survey of all existing structures that may be feasible sites for collocating wireless communications facilities.

- 2239 2. Contact with other licensed carriers or commercial tower operators
2240 operating in the County, including the Midland County Emergency Services
2241 Director.
2242 3. Sharing information necessary to determine if collocation is feasible under
2243 the design configuration most accommodating to collocation.
2244
2245 4. In the event that collocation is found to be infeasible, a written statement of
2246 the reasons for the lack of feasibility shall be submitted to the Planning
2247 Commission. The Planning Commission may retain a technical expert in the
2248 field of RF engineering to verify if collocation at the site is not feasible or is
2249 feasible given the design configuration most accommodating to collocation.
2250 The cost for such a technical expert will be at the expense of the applicant.
2251 The Township may deny a Special Use Permit to an applicant that has not
2252 demonstrated a good faith effort to provide for collocation.
2253

2254 **Section 12.14 – Residential Land-Based Wind Energy Conversion Facilities**

2255 A. Purpose and intent

2256 The purpose of this section is to accommodate land-based wind energy conversion
2257 facilities in appropriate locations, while minimizing adverse visual, safety, and
2258 environmental impacts of the facilities. This section enables the review of
2259 residential wind energy conversion facilities (“RWEFC”) in keeping with the Jerome
2260 Township Zoning Ordinance. This section is intended to be used in conjunction
2261 with any other regulations adopted by the Jerome Township designed to
2262 encourage appropriate land use, environmental protection, and provision of
2263 adequate infrastructure development in Jerome Township.
2264
2265

2266 B. Special permit requirements

2267 A special use permit may be issued by the Planning Commission pursuant to
2268 Article X for the erection of an RWEFC as an accessory use in any designated
2269 residential district or in connection with any residential use in a commercial district,
2270 subject to the following conditions as well as any other as set forth in the Jerome
2271 Township Zoning Ordinance.
2272
2273

- 2274
- 2275 1. **Location and Lot Size:** Tower mounted RWEFC’s may be allowed
2276 on lots of 40,000 sq feet or more. They must conform to all other
2277 ordinances or regulations relating to accessory buildings or uses.
 - 2278 2. **Height:** The height of a wind turbine shall be no higher than 150 feet
2279 measured from existing average grade to the tip of the rotor blade at
2280 its highest point or blade tip height. The Planning Commission may
2281 allow this height to be exceeded as part of a special permit process
2282 if the applicant can demonstrate:
 - 2283 i. that the additional height is needed and would result in
2284 significant additional benefits in terms of energy production
2285 and efficiency, and

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- ii. by submission of substantial evidence that such height reflects industry standards for a similarly RWECECF, and
 - iii. that the proposed RWECECF satisfies all other criteria for the granting of a special permit under this section of the zoning ordinance.
3. **Set-backs:** No part of the RWECECF support structure, including guy wires anchors, may extend closer to the property boundaries than the standard structure set-backs for the zoning district that it is located in.
- i. The base of the residential wind turbine tower must be set back at least 10 feet from any habitable structure on the lot on which it is located.
 - ii. In order to ensure public safety and to protect the interests of neighboring property owners, the minimum distance shall be 1.5 times the tower height from property lines, public or private ways, with a minimum footage of 28 feet.
4. **Noise:** The RWECECF shall be certified by the manufacturer to meet the following maximum noise levels at ground level, as measured by the "A" scale of a Type 1 Sound Level Meter, at a point 100 feet from the tower base, with the averaging 30 mph or less:
- | Ambient Reading
(without RWECECF running) | Maximum Reading
(with unit running) |
|--|--|
| 45db or less | 48db |
| 45db | 50db |
| 50db | 55db |
| 55db | 60db |
| 60db | 65db |
- In no instance may the noise level at the lot line exceed 10dB over the ambient sound level. The ZBA may require an analysis, prepared by a qualified engineer to demonstrate compliance with these noise standards.
5. **Prevention of Tower Access:** Climbing access to the tower shall be limited by one of the following methods: by placing climbing apparatus no lower than ten feet from the ground, or by placing shielding over climbing apparatus, or by installation of a fence that touches the ground with a minimum height of 8 feet.
6. **Compliance with FCC Regulations:** The RWECECF shall be certified by the manufacturer to be in conformance with the regulations of the FCC (47CFR Part 15) relating to possible interference with radio or television reception.
7. **Compliance with the Uniform Building Code:** Permit applications for RWECECF shall be accompanied by standard drawings of the wind

2333 turbine structure, including the tower, base and footings. An
2334 engineering analysis of the tower showing compliance with the
2335 Uniform Building Code and certified by a licensed professional
2336 engineer shall also be submitted. This analysis is normally supplied
2337 by the manufacturer.
2338

2339 8. **Compliance with FAA Regulations:** RWECF must comply with
2340 applicable FAA regulations, including any necessary approvals for
2341 installations close to airports.
2342

2343 9. **Compliance with National Electric Code:** Permits for RWECFs
2344 shall be accompanied by a line drawing of the electrical components
2345 in sufficient detail to allow for a determination that the manner of
2346 installation conforms to the National Electric Code. This information
2347 is frequently supplied by the manufacturer.
2348

2349 10. **Utility Notification:** No RWECF shall be installed until notice given
2350 to the utility company of the customers intent to install an
2351 interconnected customer owned generation system. Off grid systems
2352 shall be exempt from this requirement.
2353

2354 11. **Special Use Permit Approval Criteria:** Any special use permit for a
2355 RWECF granted shall meet the following conditions:
2356 i. the specific site is an appropriate location for such use: and
2357 ii. the use will not pose a significant adverse impact to the health
2358 and safety of the neighborhood: and
2359 iii. there will be no serious hazard to pedestrians or vehicles from
2360 the use:
2361 iv. adequate and appropriate facilities will be provided for the
2362 proper operation of the use.
2363

2364 Such permits may also impose reasonable conditions, safeguards
2365 and limitations on time and use and may require the applicant to
2366 implement all reasonable measures to mitigate unforeseen adverse
2367 impacts of the RWECF should they occur.
2368

2369 C. Abandonment

2370
2371 A RWECF will be considered to be abandoned if it is not operated
2372 continuously for a period of six (6) months or if it is designated a safety
2373 hazard by the building inspector. Once an RWECF is designated as
2374 abandoned or a safety hazard the owner shall be required to immediately
2375 physically remove the installation, which will include, but not be limited to:

- 2376 1. Removal of RWECF, any equipment shelters and security barriers
2377 from the subject property; and
- 2378 2. Proper disposal of the waste materials from the site in accordance
2379 with local and state solid waste disposal regulations; and

- 2380 3. Restoring the location of the RWEFC to its natural condition, except
2381 that any landscaping and grading shall remain in the after condition.
2382 4. A bond shall be required in the amount of \$25,000 for removal of a
2383 tower deemed by the Jerome Township building or code
2384 enforcement officer to be abandoned.
2385

2386 Jerome Township retains the right to enter and remove an abandoned or
2387 hazardous RWEFC that is not removed by the property owner within 6
2388 months from the date of abandonment. All RWEFC removal and costs
2389 associated will be charged to the property owner as a tax lien on the
2390 property.
2391

2392 **Section 12.15 – Sexually Oriented Business**

2393

2394 A. Intent

2395

2396 There are some uses that, because of their very nature, are recognized as
2397 having serious objectionable operational characteristics, particularly when
2398 several of them are grouped. Such uses may have deleterious effects upon
2399 the adjacent areas. Special regulation of these uses is necessary to ensure
2400 that these adverse effects will not contribute to blighting or downgrade the
2401 surrounding neighborhood. These special regulations are itemized in this
2402 Section. The primary control or regulation is for the purpose of preventing a
2403 concentration of these uses in any one area or next to residential zones or
2404 certain institutional uses.
2405

2406

2407 B. Distance restrictions

2408

2409 An adult business is prohibited from being established, operating, caused
2410 to be operated, located or being licensed for business within the following:

- 2411 1. 2,000 feet of or property used or owned by a church, synagogue,
2412 mosque, temple or building that is used primarily for religious worship
2413 and related religious activities.
2414 2. 2,000 feet of a public or private educational facility including but not
2415 limited to child day care facilities, nursery schools, preschools,
2416 kindergartens, elementary schools, private schools, intermediate
2417 schools, junior high schools, middle schools, high schools,
2418 vocational schools, secondary schools, continuation schools, special
2419 education schools, junior colleges, and universities; school includes
2420 the school grounds.
2421 3. 2,000 feet of an entertainment business that is oriented primarily
2422 towards children or family entertainment.
2423 4. 1000 feet of a separate business having a Michigan Liquor License.
2424 5. 2,000 feet of another adult business.
2425 6. 500 feet of a boundary of a residential zoning district as defined in
the Jerome Township Zoning Ordinance and Map.

- 2426 7. 2000 feet of a public park or recreational area which has been
2427 designated for park or recreational activities including but not limited
2428 to a park, playground, nature trails, swimming pool, reservoir, athletic
2429 field, basketball or tennis courts, pedestrian/bicycle paths,
2430 wilderness areas, state forests or other similar public land.
2431 8. 500 feet of the property line of a lot devoted to a residential use as
2432 defined in the Jerome Township.
2433

2434 For the purpose of this ordinance, measurement shall be made in a straight
2435 line, without regard to intervening structures or objects, from the nearest
2436 property line of the premises where an adult business is conducted, to the
2437 nearest property line of the premises of a use listed in this Subsection B.
2438 Presence of a village, county or other political subdivision boundary shall
2439 be irrelevant for purposes of calculating and applying the distance
2440 requirements of this Section.
2441

2442 C. Signs and public or exterior display
2443

2444 Window displays, signs, decorative or structural elements of buildings shall
2445 not include or convey specific examples of actual adult uses, and are limited
2446 to the sign provisions of this Ordinance.
2447

2448 No Sexually Oriented Business or Adult Media Store shall be conducted in
2449 any manner that permits the observation of any material depicting,
2450 describing or relating to “specific sexual activities,” “specified anatomical
2451 areas,” or “sexually oriented toys or novelties,” (as defined in this
2452 Ordinance) from any public way or from any property not licensed as a
2453 Sexually Oriented Business or Adult Media Store. This provision shall apply
2454 to any display, decoration, sign, show window, structural elements or other
2455 opening.
2456

2457 D. Parking and lighting

2458 All parking shall be situated in the front yard, adjacent to and visible from a
2459 public road and shall be lighted. All entrances and exits to the structure shall
2460 be lighted during the hours of operation.
2461

2462 E. Precautionary note to the zoning board of appeals
2463

2464 When considering any appeal from a Sexually Oriented Business or Adult
2465 Media Store for reduction of spacing or separation standards established
2466 herein, the Zoning Board of Appeals shall address each of the following
2467 issues and include the findings regarding each point in their minutes:

- 2468 i. **Ordinance intent.** The proposed use shall not be contrary to the
2469 intent and purpose of this Ordinance, or injurious to nearby
2470 properties.

2471 ii. **Blighting influence.** The proposed use shall not enlarge or
2472 encourage the development of a concentration of such Uses or
2473 blighting influences.

2474 iii. **Neighborhood conservation.** The proposed use shall not be
2475 contrary to any program of neighborhood conservation, revitalization
2476 or urban renewal.

2477
2478 F. Other standards. The proposed use, and its principal building, shall
2479 comply with all other regulations and standards of this Ordinance.

2480 **Section 12.16 – Sanford Lake Water Access**

2481
2482 A. Purpose

2483
2484 Preserve the recreational use and quality of Sanford Lake and to maintain the
2485 existing natural beauty of the lake by discouraging excess use by regulating man-
2486 made adjustments to the established shoreline. Nothing in this ordinance shall be
2487 construed to limit access to lake or waterways by the public by way of a Public
2488 Park or public access site provided or maintained by any unit of state, county or
2489 local government.

2490
2491 Area of Jerome Township regulated by this Section: Access property contiguous
2492 to Sanford Lake and all connected waterways.

2493
2494 B. Regulations

2495
2496 In any zoning district where a parcel of land is contiguous to Sanford Lake or a
2497 connected waterway, such parcel may be used as access property or as common
2498 open space held in common by a subdivision, open spaces community,
2499 association, or similar agency; or held in common by virtue of the terms of a plat
2500 of record; or provided for common use under deed restriction of record; or owned
2501 by two or more dwelling units located away from the waterfront, only if the following
2502 conditions are met:

- 2503
2504 1. That said parcel of land contain a minimum of 50 feet of water frontage.
2505 2. That lots or condominium units with granted access must be situated so as
2506 to be contiguous with each other with the exceptions of roadways and be
2507 within 500 feet of the waterway access point.
2508 3. That in no event shall the water frontage of such a parcel of land consist of
2509 a swamp, marsh, or bog as shown on the most recent U.S. Geological
2510 Survey Maps, or the Michigan Department of Natural Resources MIRIS
2511 map, or have otherwise been determined to be wetland by the Michigan
2512 DNR; and that in no event shall a swamp, marsh, or bog be altered by
2513 dredging, the addition of earth or fill material or by the drainage of water for
2514 the purpose of increasing the water frontage required by this regulation.
2515 4. That in no event shall such a parcel of land abut a man-made canal or
2516 channel, and no canal shall be excavated for the purpose of increasing the
2517 water frontage required by this regulation.

- 2518 5. That the access property, as provided for in and meeting all conditions of
2519 this ordinance shall not be used as a residential lot for the purpose of
2520 constructing a dwelling and / or accessory structure(s), or for any
2521 commercial or business use. Boat ramps or launching facilities are not
2522 allowed. Open Air Pavilions, gazebos, parking lots and picnic facilities are
2523 uses that require a special use permit.
- 2524 6. That piers or docks on such access property shall not be closer than thirty
2525 (30) feet from another pier or dock, nor longer than 120% of the average
2526 length of the adjacent four (4) residential docks or piers either side of the
2527 access property. A pier or Dock shall be no closer than 10 ft to the adjacent
2528 side lot line.
- 2529 7. That there shall be no more than a total of four (4) motorized watercraft or
2530 more than eight (8) total water craft permitted, to be kept on within each 50-
2531 foot access lot.

ARTICLE XIII ZONING BOARD OF APPEALS

SECTION 13.01 - Purpose

2536 To ensure the objectives of this Ordinance may be fully and equitably achieved,
2537 that a means shall be provided for competent interpretation of this Ordinance, that
2538 adequate but controlled flexibility be provided in the application of this Ordinance,
2539 that the health, safety, and welfare of the public is secured, and that justice be
2540 done, there is hereby established a Zoning Board of Appeals (“ZBA”).

SECTION 13.02 - Creation and Membership

2543 The ZBA shall perform its duties and exercise its powers as provided in the
2544 Michigan Zoning Enabling Act of 2006, as amended. The ZBA shall consist of a
2545 maximum of five (5) members, selected from the electorate, appointed by the
2546 Supervisor, with the consent of the Township Board.

- 2547
- 2548 A. The first member of the ZBA shall be a member of the Planning
2549 Commission.
 - 2550 B. The remaining members shall have been a resident of the Township for at
2551 least one (1) year prior to the date of appointment, and shall be qualified
2552 and registered electors of the Township on such day and throughout his/her
2553 tenure of office. One member may be a member of the Township Board.
 - 2554 C. An employee or contractor of the Township Board may not serve as a
2555 member of the ZBA.
 - 2556 D. The term of the appointments shall be for three (3) years.
 - 2557 E. Any appointive vacancies in the ZBA shall be filled by the Township Board
2558 for the remainder of the unexpired term.
 - 2559 F. The Township Board may also appoint not more than two (2) alternate
2560 members to the ZBA. Appointments shall be as follows: each alternate
2561 member shall hold office for a full three (3) year term. Any vacancies in the
2562 alternative membership of the ZBA shall be filled by appointment made by
2563 the Township Board for the remainder of the unexpired term. The alternate
2564 members shall:

- 2565 a. Sit as regular members of the ZBA in the absence of a regular member if a
2566 regular member is absent from, or unable to, attend two (2) or more
2567 consecutive meetings of the ZBA, or will be unable to attend meetings for a
2568 period of more than thirty (30) consecutive days
2569 b. Be called to serve in the place of a regular member for the purpose of
2570 reaching a decision in a case in which the regular member has abstained
2571 for reasons of conflict of interest.
2572 G. The alternate member having been appointed shall serve in the case until
2573 a final decision has been made. Alternate members shall have the same
2574 voting rights as a regular member of the ZBA. Whenever possible, these
2575 two (2) alternates should be provided the opportunity to rotate as members
2576 of the ZBA.
2577

2578 **SECTION 13.03 - Compensation**

2579 Each member and alternate member may receive a reasonable sum as
2580 determined by the Township Board for his/her services in attending each regular
2581 or special meeting of the ZBA.
2582

2583 **SECTION 13.04 - Removal**

2584 Appointed members may be removed for nonperformance of duty or misconduct
2585 in office by the Township Board only after consideration of written charges and a
2586 public hearing. Failure of a member to disqualify himself from a vote in which he
2587 has a conflict of interest shall constitute misconduct in office.
2588

2589 **SECTION 13.05 - Meetings**

- 2590 A. The ZBA shall adopt its own rules of procedure as may be necessary to
2591 conduct its meetings and carry out its function The Board of Appeals shall
2592 annually elect its own chairman, vice chairman, and secretary.
2593 B. All meetings of the Board of Appeals shall be held at the call of the chairman
2594 and at such times as such Board may determine.
2595 C. All hearings conducted by the ZBA shall be open to the public. A simple
2596 majority of the membership of the ZBA shall constitute a quorum and may
2597 conduct any items of business brought before the Board. The Board shall
2598 keep minutes of its proceedings showing the vote of each member in
2599 question, or if absent, or failing to vote, indicating such fact; and shall also
2600 keep records of its hearings and other official actions in the office of the
2601 Township Clerk, and shall be a public record.
2602 D. The ZBA shall not conduct business unless a majority of the members are
2603 present. The concurring vote of a majority of the members of the ZBA shall
2604 be necessary to reverse an order, requirement, decision, or determination
2605 of an administrative official or body, or to decide in favor of the applicant a
2606 matter upon which they are required to pass under this Ordinance, or to
2607 affect a variation of this Ordinance.
2608

2609 **SECTION 13.06 - Appeal and Notice Requirements**

2610 The Zoning Board of Appeals is authorized to review all decisions made in the
2611 administration of this Ordinance. An appeal may be taken to the ZBA by any

2612 person, firm, or corporation, or by any officer, department, board, or bureau
2613 affected by a decision of the Building Official or the Planning Commission, except
2614 as otherwise noted in this Ordinance. An appeal shall be made in accordance with
2615 the processing procedures established by the Zoning Board of Appeals.
2616

- 2617 A. The appeal or request for administrative review shall be submitted to the
2618 Township Clerk with the required fee. Each appeal shall be accompanied
2619 by a processing fee in an amount established by resolution of the Township
2620 Board, and may be amended from time to time. No portion of such fee shall
2621 be reimbursable to the applicant. The appellant shall file a letter specify the
2622 grounds for the appeal and the facts supporting the appeal.
- 2623 B. The Building Official shall forthwith transmit to the Board, all of the papers
2624 constituting the record upon which the action appealed from was taken. An
2625 appeal shall stay all proceedings in furtherance of the action appealed from
2626 unless the Building Official certifies to the Zoning Board of Appeals, after
2627 notice of appeal has been filed with him, that, by reason of facts stated in
2628 the certificate, a stay would, in his opinion, cause imminent peril to life or
2629 property, in which case, the proceedings shall be not be stayed, otherwise
2630 than by order of a court of record.
- 2631 C. Public notice of the time, date, and place of the meeting shall also be given
2632 in the manner required by this Ordinance. Such notice shall contain the
2633 address, if available, and location of the property for which the ruling by the
2634 ZBA is sought, as well as a brief description of the nature of the Appeal.
- 2635 i. No appeal shall be taken to the ZBA from a decision of the Planning
2636 Commission or Township Board in connection with a use permitted
2637 subject to special approval use.
- 2638 ii. Appeal(s) required in connection with site plan approval for principal
2639 uses permitted shall be presented before the ZBA prior to the
2640 consideration of the site plan by the Township Planning Commission.
- 2641 D. The ZBA may only act on those matters brought before it through the
2642 procedures of Section 12.06. In no instance may they conduct business on
2643 matters outside the scope of the appeal.
- 2644 E. No appeal shall be made from a decision of the Township Building Official
2645 or Planning Commission unless such appeal is filed within thirty (30) days
2646 from the date of such decision. No appeal shall be granted that would be
2647 in violation of the Jerome Township Master Plan.
- 2648 F. Any party aggrieved by any order, determination, or decision of the ZBA
2649 may appeal as provided for by law.
2650

2651
2652 **SECTION 13.07- Jurisdiction**

2653 The ZBA may reverse or affirm, wholly or partly, or may modify the order,
2654 requirement, decision of determination as in its opinion ought to be made in the
2655 premises, and to that end shall have all the powers of the officer from whom the
2656 appeal was taken and may issue or direct the issuance of a permit. Where there
2657 are practical difficulties in the way of carrying out the strict letter of this Ordinance,
2658 the ZBA shall have the power in passing upon appeals to vary or modify any of its

2659 rules, regulations or provisions so that the spirit of this Ordinance shall be
2660 observed, public safety secured, and substantial justice done. Nothing herein
2661 contained shall be construed to give or grant to the Zoning Board of Appeals the
2662 authority to make changes in the Zoning Ordinance or the Zoning Map, such power
2663 and authority being reserved to the Township Board in the manner herein provided
2664 by law.

2665

2666 **SECTION 13.08 - Powers and Duties**

2667

2668 A. The ZBA shall have the following specified powers and duties:

2669

2670 1. **Administrative Review.** To hear and decide appeals where it is alleged
2671 by the appellant that there is an error in any order, requirement, permit,
2672 decision, or refusal made by the Building Official or any other
2673 administrative official in carrying out, or enforcing, any provisions of this
2674 Ordinance.

2675

2676 2. **Interpretation.** To hear and decide in accordance with the provisions of
2677 this Ordinance:

2678 i. Appeals for the interpretation of the provisions of the Ordinance.

2679 ii. Requests to determine the precise location of the boundary lines
2680 between the zoning districts as they are displayed on the Zoning
2681 Map, when there is dissatisfaction with the decision on such
2682 subject.

2683 iii. The classification of any use which is not specifically mentioned
2684 in any district regulations as a permitted principal use or a special
2685 use. In classifying an unlisted use, the ZBA shall base its decision
2686 and any accompanying restrictions on listed uses that are
2687 consistent with and similar to the unclassified use.

2688

2689 3. **Variances.** The ZBA shall have the power to authorize, upon
2690 application, specific variances from such dimensional requirements as
2691 lot area and width regulations, building height and square foot
2692 regulations, yard width and depth regulations, such requirements as off-
2693 street parking and loading space, and sign regulations. Any requirement
2694 of this Ordinance which is dimensional in nature may be brought before
2695 the ZBA to be considered for a variance.

2696

2697 The ZBA shall ensure that all variances comply with the following:

2698

2699 i. The strict enforcement of the provisions of this Ordinance would
2700 deprive the owner of rights enjoyed by all other property owners
2701 owning property within the same zoning district.

2702 ii. The applicant has demonstrated that conditions and
2703 circumstances unique to the property exist which generally are
2704 not similarly applicable to other properties in the same zoning
2705 district.

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- iii. The conditions and circumstances unique to the property were not created by the owner, within the time following the effective date of the provisions alleged to adversely affect such property.
 - iv. The applicant has demonstrated that the requested variance will not confer special privileges that are denied to other properties similarly situated and in the same zoning district.
 - v. The requested variance will not be contrary to the spirit and intent of this Ordinance.

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The ZBA shall not approve an application for a variance unless it has found positively that a practical difficulty exists under the preceding criteria. Any variance that is denied shall not be resubmitted for review for a period of one (1) year from the date that the ZBA last took action on the request unless substantive new evidence is to be presented or new circumstances arise.

2722 **SECTION 13.09 – Prohibited Variances**

2723 A use variance shall not be permitted.

2724
2725 **SECTION 13.10 - Attachment of Conditions**

2726 The ZBA may impose conditions upon an affirmative decision. The conditions may
2727 include, conditions necessary to ensure that public services and facilities affected
2728 by a proposed land use or activity will be capable of accommodating increased
2729 service and facility loads caused by the land use or activity, to protect the natural
2730 environment and conserve natural resources and energy, to ensure compatibility
2731 with adjacent uses of land, and to promote the use of land in a socially and
2732 economically desirable manner.

2733 Conditions imposed shall do all the following:

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- 1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use, or activity, and the community as a whole.
 - 2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 - 3. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in the Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
 - 4. The conditions imposed shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The approving authority shall maintain a record of changes granted in conditions.

2750 **SECTION 13.11 - Approval Period**

2751 No order of the ZBA shall be valid for a period longer than one (1) year, unless a
2752 building permit for such erection or alteration is obtained within such period, and

2753 such erection or alteration is started and proceeds to completion in accordance
2754 with the terms of such permit.
2755
2756

DRAFT

2757 **ARTICLE XIV DISTRICT CHANGES AND ORDINANCE AMENDMENTS**

2758
2759 **Section 14.01 - Amendment**

2760 In accordance with the provisions of the Michigan Zoning Enabling Act 110, as
2761 amended, the Township Board may amend, supplement or change the provisions
2762 of this Ordinance.

2763
2764 For the purposes of this Article and other applicable sections of this Ordinance, the
2765 term "rezoning" shall be considered an amendment to the Zoning District Map. The
2766 procedure for rezoning shall follow the procedure set forth in this Article for
2767 amendments.

2768
2769 **Section 14.02 - Petition For Change**

2770 Proposals for amendments may be initiated by resolution of the Township Board,
2771 Planning Commission, or by petition of one or more residents of Jerome Township,
2772 or by one or more persons acting on behalf of a resident of Jerome Township.

2773
2774 **Section 14.03 – Procedure**

2775
2776 A. The Township Board, after review and recommendation by the Planning
2777 Commission, has authority to adopt amendments to the text of this
2778 Ordinance and the zoning map.

2779 B. Procedure for Amendment of Zoning Ordinance.

2780 1. Application. Twelve (12) copies for an application seeking an
2781 amendment to the text or map shall be filed with the Township Clerk.
2782 The Township Clerk shall date stamp all materials received, retain the
2783 original documents, and distribute the copies appropriately.

2784 2. The application shall provide the following information if an application
2785 involves an amendment to the official zoning map:

2786 i. A legal description of the property, including the street address
2787 and tax code number(s).

2788 ii. The name, address and telephone number of the applicant.

2789 iii. The applicant's interest in the property. If the applicant is not the
2790 owner, the name and address of the record and known owner(s),
2791 and the owner(s) signed consent to the application.

2792 iv. Identification of the zoning district requested and the existing
2793 zoning of the property.

2794 v. Identification of the area that is being considered for rezoning and
2795 existing land uses within that area, along with a description of the

- 2796 current zoning and existing land uses of all properties within five
2797 hundred (500) feet of that area.
- 2798 vi. Signature(s) of the applicant(s) and owner(s), certifying the
2799 accuracy of the information.
- 2800 vii. Further information as requested by consultants hired by the
2801 Township, Planning Commission, or Township Board that is
2802 relevant to the site and standards set forth in this Ordinance.
- 2803 3. The application shall provide the following information if an application
2804 involves a change in the text of this Ordinance:
- 2805 i. A detailed statement clearly and completely setting forth all
2806 proposed provisions and regulations, including all changes in the
2807 zoning ordinance necessary to accommodate the proposed
2808 amendment.
- 2809 ii. Name and address of the applicant.
- 2810 iii. Reasons for the proposed amendment.
- 2811 iv. Further information as requested by consultants hired by the
2812 Township, Planning Commission, or Township Board, that is
2813 relevant to the proposed text amendment.
- 2814 v. Right of Entry. The filing of an application to rezone shall
2815 constitute permission from the owner for the Township to
2816 complete an on-site investigation of the property in question for
2817 purposes of this Section.
- 2818 4. Application Fee. The applicant shall submit to the Township Clerk with
2819 the application an application fee in an amount established by resolution
2820 of the Township Board to cover the fixed costs associated with
2821 processing the application.
- 2822 5. Initial Review. The Building Inspector shall review the application(s) for
2823 completeness and indicate to the applicant additional information and
2824 documents to be provided. The Planning Commission shall schedule all
2825 public hearings and the Township Clerk or his/her designee shall
2826 coordinate public notices.
- 2827 6. Public Hearing - Planning Commission. The Planning Commission shall
2828 conduct a public hearing on the proposed text amendment or rezoning
2829 as provided in the Michigan Zoning Enabling Act, MCL 125.3101 *et seq.*
- 2830 7. Administrative Report. Following the public hearing the Planning
2831 Commission may request that the Building Inspector and/or other
2832 persons retained by the Township present a report that analyzes the

2833 application(s) with respect to the requirements and standards of
2834 applicable federal and state statutes, ordinances, rules and regulations.

2835 C. Standards and Burden. In deciding a request for a zoning text amendment
2836 or rezoning, the Planning Commission and Township Board shall be
2837 governed by the following principles and standards:

2838 1. The applicant shall have the burden of proof, which shall include the
2839 burden of going forward with the evidence and the burden of persuasion
2840 on all questions of fact.

2841 2. Decisions to amend the ordinance text or official zoning map are
2842 legislative in nature, and the Township Board ultimately has discretion
2843 to act in the interest of the public health, safety and general welfare.

2844 3. In considering an application for rezoning, the following factors may be
2845 considered, among others:

2846 i. Whether all required information has been provided and fees
2847 paid.

2848 ii. Consistency with the goals, policies and future land use map of
2849 the Master Plan. If conditions have changed since the Master
2850 Plan was adopted, the rezoning may be found to be consistent
2851 with recent development trends in the area.

2852 iii. The compatibility of all uses permitted in the proposed zoning
2853 district with surrounding uses and zoning in terms of land
2854 suitability, impacts on the environment, density, nature of use,
2855 traffic impacts, aesthetics, infrastructure and potential influence
2856 on property values compared to uses permitted under current
2857 zoning;

2858 iv. The capacity of local utilities and public services sufficient to
2859 accommodate all the uses permitted in the requested district
2860 without compromising the "health, safety and welfare" of the
2861 Township, including the capacity of the street system to safely
2862 and efficiently accommodate the expected traffic generated by
2863 uses permitted in the requested zoning district.

2864 v. The precedents, and the possible effects of such precedents, that
2865 might result from approval or denial of the petition; and

2866 vi. Whether the requested rezoning will create an isolated and
2867 unplanned spot zone.

2868 D. Payment of Costs. Prior to any decision on an application for rezoning or
2869 concurrent application, the applicant shall pay all costs and expenses
2870 incurred by the Township to review and process the application(s). If sums

2871 due and owing the Township are not paid, the Township Board may delay
2872 making its decision(s) until such time as the sums are fully paid, dismiss the
2873 application(s), or take such other action as provided by law.

2874 **Section 14.06 - Conditional Rezoning**

2875
2876 **Intent**

2877 It is recognized that there are certain instances where it would be in the best
2878 interests of the Township, as well as advantageous to property owners seeking a
2879 change in zoning boundaries, if certain conditions could be proposed by property
2880 owners as part of a request for a rezoning. It is the intent of this Section to provide
2881 a process consistent with the provisions of the Zoning Enabling Act 110 and the
2882 Michigan Zoning Guide by which an owner seeking a rezoning may voluntarily
2883 propose conditions regarding the use and/or development of land as part of the
2884 rezoning request.

2885
2886 **A. Application and Offer of Conditions**

- 2887
- 2888 1. An owner of land may voluntarily offer in writing, and the Township may
2889 approve, certain conditions relating to the use and/or development of land
2890 for which a rezoning is requested. This offer may be made either at the time
2891 the application for rezoning is filed or may be made at a later time during
2892 the rezoning process.
2893
 - 2894 2. The required application and process for considering a rezoning request
2895 with conditions shall be the same as that for considering amendments,
2896 except as modified by the requirements of this Section.
2897
 - 2898 3. The owner's offer of conditions may not purport to authorize uses or
2899 developments not permitted in the requested new zoning district.
2900
 - 2901 4. The offer of conditions may be amended during the process of rezoning
2902 consideration provided that any amended or additional conditions are
2903 entered voluntarily by the owner. An owner may withdraw all or part of its
2904 offer of conditions any time prior to final rezoning action of the Township
2905 Board provided that, if such withdrawal occurs subsequent to the Planning
2906 Commission's public hearing on the original rezoning request, then the
2907 rezoning application shall be referred to the Planning Commission for a new
2908 public hearing with appropriate notice and a new recommendation.
2909
 - 2910 5. A Township shall not require a landowner to offer conditions as a
2911 requirement for rezoning. The lack of an offer under Subsection A(1) shall
2912 not otherwise affect the landowner's rights under this Ordinance, the
2913 ordinances of the Township, or any other laws of this state.
2914
 - 2915 6. An application for conditional rezoning shall follow the procedures of this
2916 Article. If a rezoning is approved, the landowner shall then follow all the

2917 applicable procedures and regulations of this Ordinance in pursuance of the
2918 intended use or uses.

2919
2920 7. Upon approval of a proposed project, the landowner shall provide to the
2921 Township an agreement of conditions, in a recordable contractual form,
2922 stating the terms, conditions and obligations of the rezoning.

2923
2924 8. In approving the conditions, the Township may establish a time period
2925 during which the conditions apply to the land. The time period specified may
2926 be extended upon the application of the landowner and approval of the
2927 Township. The Township shall not add to or alter the conditions approved
2928 during the time period specified. Except for an extension, if the conditions
2929 are not satisfied within the time specified under this subsection, the land
2930 shall revert to its former zoning classification.

2931
2932 B. Compliance with Conditions

2933
2934 Any person who establishes a development or commences a use upon land that
2935 has been conditionally rezoned shall continuously operate and maintain the
2936 development or use in compliance with all of those conditions. Any failure to
2937 comply with a condition contained within the Statement of Conditions shall
2938 constitute a violation of this Zoning Ordinance and be punishable accordingly.
2939 Additionally, any such violation shall be deemed a nuisance per se and subject to
2940 judicial abatement as provided by law.

2941
2942 C. Township Right to Rezone.

2943
2944 Nothing in this Section shall be deemed to prohibit the Township from rezoning all
2945 or any portion of land that is subject to a conditional rezoning to another zoning
2946 classification. Any rezoning shall be conducted in compliance with this Ordinance
2947 and the Zoning Enabling Act 110.

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2963 **ARTICLE XV ADMINISTRATION**

2964
2965 **Section 15.01 - Building Inspector**

2966 The provisions of this ordinance shall be administered by the Building Inspector
2967 who shall be appointed by the Township Board.

2968
2969 **Section 15.02 - Permits Required**

2970 Except as otherwise provided, no land shall be occupied or used and no building
2971 or structure shall hereafter be erected, altered, or moved onto a site until a zoning
2972 permit has been obtained from the Building Inspector. Such permit shall be non-
2973 transferable and shall be obtained before any new use is established or work of
2974 excavation or construction is begun. This permit is valid for one (1) year and

- 2975 A. construction or use must start within one year following the issuance of the
- 2976 permit and
- 2977 B. The permit will remain in effect provided reasonable progress is made on
- 2978 the project. A fee for said Permit shall be paid to Jerome Township.

2979
2980 A sign permit shall be obtained from the Building Inspector on any billboard or sign
2981 exceeding twelve (12) square feet by the land owner on whose land the billboard
2982 or sign is erected. An application for a sign permit shall be made on forms provided
2983 by the Township Building Inspector and shall be accompanied by any fees as
2984 required by the Township. A fee for said sign permit shall be paid to Jerome
2985 Township. Fees for sign permits shall be set by resolution by the Township Board.
2986 Failure to obtain a sign permit shall be a violation of this Ordinance.

2987
2988 **Section 15.03 – Zoning Permits**

- 2989 A. Except as otherwise provided, no land shall be occupied or used and no
- 2990 building hereafter erected or altered shall be occupied or used in whole or
- 2991 in part for any purposes, until a zoning permit has been issued by the
- 2992 Building Inspector stating that the proposed use complies with all the
- 2993 provisions of this Ordinance.

- 2994
- 2995
- 2996 B. The Building Administrator shall have the power to revoke or cancel any
- 2997 zoning permit in case of failure or neglect to comply with any provision of
- 2998 this Ordinance or the requirements, standards or any conditions imposed
- 2999 upon a special use permit, or in the case of false statements or
- 3000 misrepresentation in an application. The revocation or cancellation of the
- 3001 zoning permit shall be made in writing, and all construction, uses, or other
- 3002 activities allowed by the permit shall cease.

3003
3004 **ARTICLE XVI SEVERABILITY**

3005
3006 **Section 16.01 - Severability**

3007 The provisions of this Ordinance are declared severable. If any provisions of this
3008 Ordinance or part thereof is declared invalid for any reason by a court of competent

3009 jurisdiction, that declaration does not affect or impair the validity of all other
3010 provisions that are not subject to that declaration.

3011

3012

ARTICLE XVII PENALTIES

3013

Section 17.01 - Violations Declared a Nuisance Per Se

3015 All violations of this Ordinance or any part thereof are declared a nuisance per se.

3016

3017

Section 17.02 - Penalties

3018

3019

A. The Building Inspector shall inspect all alleged violations of this Ordinance. In the event that a violation is found. Any person or other entity who violates any provisions of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine as defined in Jerome Township fee schedule, plus costs, which may include all direct or indirect expenses to which the Township of Jerome has been put in connection with the violation.

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~~B. Any person or other entity who violates any provisions of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses to which the Township of Jerome has been put in connection with the violation. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered.~~

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3033

C. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any of the provisions of this Ordinance is responsible for a misdemeanor, subject to a fine of up to five hundred dollars (\$500.00), or imprisonment for up to ninety (90) days. Each day during which a violation continues shall be deemed a separate offense.

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D. If the Building Inspector discovers that work on any structure or premises is being undertaken contrary to this Ordinance, he or she shall deliver an order to the property owner requiring that such work shall immediately cease. The stop work order shall be posted on the property with a copy mailed or delivered to the owner of the property in question, person occupying the property, and the person doing the work and shall state the conditions under which the work may be resumed. Any person who shall continue any work in or about the structure or premises after having been served with a stop work order, except as directed by the Building Inspector to remove violations or unsafe conditions, shall be found responsible for a violation of this Ordinance.

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Section 17.03 - Additional Remedies

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In addition to the foregoing provisions relating to Penalties, the Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining

3054

3055

3056 order or other appropriate remedy to abate said violations and the nuisances
3057 thereby created and to compel compliance with this Ordinance. Each day that a
3058 violation shall continue is to constitute a separate offense.

3060 **ARTICLE XVIII EFFECTIVE DATE**

3061
3062 **Section 18.01 - Effective Date**

3063 This Ordinance shall take effect thirty (30) days after publication of a notice of
3064 adoption of this Ordinance, unless referendum procedures are initiated under MCL
3065 125.3402. If referendum procedures are initiated, this Ordinance will take effect in
3066 accordance with MCL 125.3402.

3067
3068 **ARTICLE XIX REPEALING CLAUSE**

3069
3070 **Section 19.01 - Repealing Clause**

3071 All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

3072
3073 YEAS: _____

3074
3075 NAYS: _____

3076
3077 ABSENT/ABSTAIN _____

3078
3079 ORDINANCE DECLARED ADOPTED.

3080
3081
3082 **CERTIFICATION**

3083
3084 I hereby certify that the above is a true copy of an Ordinance adopted by
3085 the Jerome Township Board at a Regular Meeting held on _____,
3086 pursuant to the required statutory procedures.

3087
3088
3089 Dated: _____

3090
3091 _____
3092 , Jerome Township Supervisor

3093
3094
3095 _____
3096 , Jerome Township Clerk

3097
3098
3099

Addendum

3100

3101

Definitions

Access Property

3104 A property, parcel, or lot abutting a lake, and used or intended to be used, for
3105 providing access to a lake by pedestrian or vehicular traffic to and from offshore
3106 land.

3107

Accessory Buildings

3109 A supplementary building or any structure on the same lot or parcel of land as the
3110 main building. Any structure greater than 200 420 sq. ft. is considered an
3111 accessory building. Such use shall not include any accessory building for a
3112 dwelling. An accessory building over 200 sq. ft. requires a building permit.

3113

Access Property

3115 A property, parcel, or lot abutting a lake, and used or intended to be used, for
3116 providing access to a lake by pedestrian or vehicular traffic to and from offshore
3117 land.

3118

Accessory Use

3120 A use naturally and normally incidental to, subordinate to, and devoted exclusively
3121 to the main use of the land or buildings.

3122

Adult Media

3124 Magazines, books, slides, prerecorded storage devices, or other media that are
3125 distinguished or characterized by their emphasis on matter depicting, describing,
3126 or relating to sexually oriented hard-core material.

3127

Adult Media Store

3129 An establishment that rents and/or sells adult media, and /or advertises or holds
3130 itself out in any form as "XXX," "adult," "sex".

3131

Adult Motion Picture Theatre

3133 An establishment emphasizing or predominately showing sexually oriented
3134 movies.

3135

Adult theatre

3137 A theater, concert hall, auditorium, or similar commercial establishment which
3138 regularly features persons who appear in a state of nudity or semi-nude, or live
3139 performances which are characterized by the exposure of specified anatomical
3140 areas or by specified sexual activities.

3141

Alley

3143 A public thoroughfare or way which affords only a secondary means of access to
3144 abutting property.

3145

Agriculture

3146

3147 The use of land for tilling of the soil, the raising of tree and field crops and animal
3148 husbandry.

3149

3150 **Altered**

3151 Any change in usage, location, square footage, or height of a building.

3152

3153 **Apartment**

3154 See the definition of dwelling, multiple family.

3155

3156 **Basement**

3157 That portion of a building partly below average grade.

3158

3159 **Billboard**

3160 See **Sign**.

3161

3162 **Building**

3163 An independent structure having a roof supported by columns or walls resting on
3164 a foundation.

3165

3166 **Building Height**

3167 The vertical distance measured from the highest finish grade to the highest point
3168 of the roof.

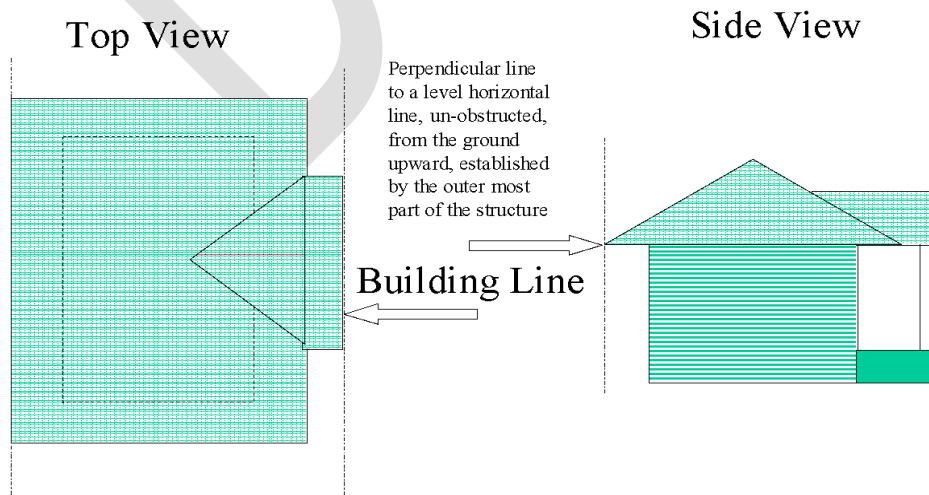
3169

3170 **Building Line:**

3171 A horizontal line parallel to the structure wall, established by a vertical line, 90
3172 degrees to a level horizontal line, un-obstructed, from the ground upward,
3173 established by the outer most part of the structure.

3174

Building Line Definition



3175

3176 **Building Line - Front:**

3177 The building line on the street side of the building.

3178

3179 **Building Line - Side:**

3180 The building line on the side of the building relative to the front building line.

3181

3182 **Building Line - Rear:**

3183 The building line opposite the front building line.

3184

3185 **Carports**

3186 Portable or Stationary carports of any type shall be considered accessory
3187 buildings.

3188

3189 **Co-location**

3190 The location by two or more wireless communication providers of wireless
3191 communication facilities on a common structure, tower, or building, with the view
3192 toward reducing the overall numbers of structures required to support wireless
3193 communication antennas within the community.

3194

3195 **Commercial Medical Marihuana Facility**

3196 Means any of the following:

3197

3198 A. "Provisioning Center," as that term is defined in the Medical Marihuana
3199 Facilities Licensing Act, Public Act 281 of 2016 ("MMFLA");

3200 B. "Processor," as that term is defined in the MMFLA;

3201 C. "Secure Transporter," as that term in the MMFLA;

3202 D. "Grower," as that term is defined in the MMFLA;

3203 E. "Safety Compliance Facility," as that term is defined in the MMFLA.

3204 **Commercial Vehicle**

3205 Any motor vehicle licensed as a commercial vehicle.

3206

3207 **Community Building**

3208 Any building that is open and assessable to the general public with or without a
3209 user fee.

3210

3211 **Condominium unit**

3212 A portion of a condominium subdivision designed and intended for occupancy or
3213 use by the unit owner consistent with the provisions of the master deed. A
3214 Condominium unit is not a lot or a parcel as those terms are used in this ordinance.

3215

3216 **Condominium use**

3217 Any use as defined in the master deed.

- 3218 **Container**
3219 Shipping container aka; Conex Box, Cargo Containers, C-Cans, Sea Cans,
3220 Storage Bins.
3221
- 3222 **Display Publicly**
3223 The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any
3224 location, whether public or private, an item in such a manner that it may be readily
3225 seen and its content or character distinguished by normal unaided vision viewing
3226 it from a street, highway, or public sidewalk, or from the property of others, or from
3227 any portion of the premises where items and material other than adult media are
3228 on display to the public.
3229
- 3230 **Driveways**
3231 A way or means of approach which provides access to one or more principal
3232 buildings under one ownership and which is constructed and maintained by the
3233 owner and is not dedicated for general public use. Driveways must meet the
3234 specifications of the Midland County Road Commission, a county permit is
3235 required for new or modified connections to a public road.
3236
- 3237 **Dwelling**
3238 A building used as the living quarters for one or more families.
3239
- 3240 **Dwelling Area**
3241 The dwelling area of a dwelling unit is composed of sleeping rooms, kitchen, dining
3242 room, bathrooms, family rooms, dens, hallways, closets, entry ways, and living
3243 rooms.
3244
- 3245 **Dwelling Unit**
3246 That portion of a dwelling providing complete living quarters for one family.
3247
- 3248 **Dwelling, One-Family**
3249 A detached dwelling designed for or occupied exclusively by one family.
3250
- 3251 **Dwelling, Two-Family**
3252 A dwelling designed for or occupied exclusively by two families living
3253 independently of each other.
3254
- 3255 **Dwelling, Multiple Family**
3256 A dwelling used and designed as a residence for three or more families, living
3257 independently of each other.
3258
- 3259 **Electronic Video Media**
3260 Films, motion pictures, video cassettes, slides, digital video disks, or other similar
3261 electronic, digital, or mechanical image productions, characterized by an emphasis
3262 on the display of specified sexual activity or specified anatomical areas.
3263
- 3264 **Essential Services**

3265 As defined by state law.

3266

3267 **Family**

3268 A family is any number of persons living on the premises comprising a single
3269 housekeeping unit and related by blood or marriage, and including the domestic
3270 employees thereof.

3271

3272 **Farm**

3273 Any parcel of land which is used for gain in the production of field and tree crops,
3274 livestock, poultry and dairy products.

3275

3276 **Fence**

3277 A constructed barrier used to prevent or control entrance, confine within, or mark
3278 a boundary. For the purpose of this ordinance an open fence has 80% clear vision,
3279 a privacy fence has less than 80% clear vision.

3280

3281 **Foster family home**

3282 A private home in which 1 but not more than 4 minor children, who are not related
3283 to an adult member of the household by blood or marriage, or who are not placed
3284 in the household under the Michigan adoption code, chapter X of the probate code
3285 of 1939, 1939 PA 288, MCL 710.21 to 710.70, are given care and supervision for
3286 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks,
3287 unattended by a parent or legal guardian.

3288

3289 **Foster family group home**

3290 A private home in which more than 4 but fewer than 7 minor children, who are not
3291 related to an adult member of the household by blood or marriage, or who are not
3292 placed in the household under the Michigan adoption code, chapter X of the
3293 probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70, are provided care for
3294 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks,
3295 unattended by a parent or legal guardian.

3296

3297 **Family day care home**

3298 A private home in which 1 but fewer than 7 minor children are received for care
3299 and supervision for periods of less than 24 hours a day, unattended by a parent or
3300 legal guardian, except children related to an adult member of the family by blood,
3301 marriage, or adoption. Family day care home includes a home in which care is
3302 given to an unrelated minor child for more than 4 weeks during a calendar year.

3303

3304 **Garage**

3305 A building used for storage purposes by a family or families living on the premises.

3306

3307 **Group day care home**

3308 A private home in which more than 6 but not more than 12 minor children are given
3309 care and supervision for periods of less than 24 hours a day unattended by a
3310 parent or legal guardian, except children related to an adult member of the family
3311 by blood, marriage, or adoption. Group day care home includes a home in which

3312 care is given to an unrelated minor child for more than 4 weeks during a calendar
3313 year.

3314

3315 **Home Occupation**

3316 An occupation conducted solely by members of a family residing on the premises.

3317

3318 **Junk Yard**

3319 A place, structure, or parcel of land where junk, discarded waste, salvage, or
3320 similar materials such as old iron or other metal, wood, lumber, glass, paper, rags,
3321 cloth, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged,
3322 baled, packed, disassembled, stored, including auto wrecking yards, used lumber
3323 yards, house wrecking yards, and places or yards for use of salvaged house
3324 wrecking and structural steel materials and equipment.

3325

3326 **Kennel**

3327 Any premises where four (4) or more licensable dogs are maintained, or boarded
3328 for gain or are kept for the purpose of sale.

3329

3330 **Land Fill**

3331 A solid waste disposal area as defined by the rules and regulations promulgated
3332 by the State of Michigan in accordance with Public Act No. 641 the Solid Waste
3333 Management Act of 1978, as amended.

3334

3335 **Loading Space**

3336 An off-street space on the same lot with a building, or group of buildings, for the
3337 temporary parking of a vehicle while loading and unloading merchandise or
3338 materials

3339

3340 **Lot**

3341 A parcel of land which is a part of a subdivision and is shown on a map thereof, or
3342 described by metes and bounds.

3343

3344 **Lot, Corner**

3345 A corner lot is a lot of which at least two adjacent sides abut for their full length
3346 upon a road, provided that such sides intersect at an angle of not more than 135
3347 degrees. A lot abutting upon a curved road or roads shall be considered a corner
3348 lot if the tangents to the curve at its points of beginning within the lot intersect at
3349 an interior angle of not over 135 degrees. In the case of a corner lot with a curved
3350 road line the corner shall be considered to be that point on the road lot line nearest
3351 to the point of intersection of the tangents here described.

3352

3353 **Marihuana**

3354 Also known as marijuana or cannabis. That term shall have the meaning given to
3355 it in the ~~section 7601 of the Michigan public health code, 1978 PAS 368, MCL~~
3356 ~~333.7106, and as is referred to in section 3(d) of the Michigan Medical Marihuana~~
3357 ~~Act, P.A. 2008, Initiated Law, MCL 333.26423(d).~~ **Michigan Regulation and**
3358 **Taxation of Marihuana Act, MCL 333.27951 et seq.** Any other term pertaining to

3359 marihuana used in this ordinance and not otherwise defined shall have the
3360 meaning given to it in the Michigan Medical Marihuana Act, Michigan Regulation
3361 and Taxation of Marihuana Act, and/or in the rules issued in connection with those
3362 Acts.

3363

3364 **Marijuana Establishment**

3365 An enterprise at a specific location at which a licensee is licensed to operate under
3366 the Michigan Regulation and Taxation of Marihuana Act, including a marihuana
3367 grower, marihuana safety compliance facility, marihuana processor, marihuana
3368 microbusiness, marihuana retailer, marihuana secure transporter, or any other
3369 marihuana-related business licensed under the Michigan Regulation and Taxation
3370 of Marihuana Act.

3371

3372 **Media**

3373 Anything printed or written, or any picture, drawing, photograph, motion picture,
3374 film, videotape or videotape production, or pictorial representation, or any electrical
3375 or electronic reproduction of anything that is or may be used as a means of
3376 communication. Media includes but shall not necessarily be limited to books,
3377 newspapers, magazines, movies, videos, sound recordings, CD, other magnetic
3378 media, and undeveloped pictures.

3379

3380 **Media shop**

3381 A general term, identifying a category of business that may include sexually
3382 oriented material but that is not subject to the special provisions applicable to adult
3383 media shops. In that context, media shop means a retail outlet offering media for
3384 sale or rent, for consumption off the premises provided that any outlet meeting the
3385 definition of adult media shop shall be treated as an adult media outlet

3386

3387 **Medical Use of Marihuana.**

3388 The acquisition, possession, cultivation, manufacture, use, internal possession,
3389 delivery, transfer, or transportation of marihuana or paraphernalia relating to the
3390 administration of marihuana to treat or alleviate a registered qualifying patient's
3391 debilitating medical condition or symptoms associated with the debilitating medical
3392 condition, as defined under the Michigan Medical Marihuana Act, P.A. 2008,
3393 Initiated Law, MCL333.26423(d).

3394

3395 **Mobile Home**

3396 A titled structure, which is built on a chassis and designed for minimal conveyance
3397 upon a public thoroughfare; and is constructed in such a manner as will permit
3398 occupancy thereof as a permanent dwelling.

3399

3400 **Mobile Home Park**

3401 A parcel of land upon which three or more mobile homes are located for dwelling
3402 purposes.

3403

3404 **Motel**

3405 An establishment where individual rooms or suites are rented to transients and
3406 shall not be construed to be a multiple dwelling.

3407

3408 **Nonconforming Use**

3409 The use of land or structures that does not conform to the regulations of the District
3410 in which it is situated.

3411

3412 **Open Spaces**

3413 See Section 11.12

3414

3415 **Parcel of Land**

3416 Land under one ownership.

3417

3418 **Permitted Use**

3419 A use specified in a zoning district allowed by right.

3420

3421 **Premises**

3422 A parcel of land together with the buildings thereon.

3423

3424 **Primary Caregiver**

3425 Means a person qualified under the Michigan Medical Marihuana Act, and the rules
3426 promulgated therefore, to assist with a patient's medical use of marihuana, and
3427 authorized under the MMMA to operate as a Primary Caregiver.

3428

3429 **Primary Caregiver Operation**

3430 The cultivation, storage, or distribution of medical marihuana by a Primary
3431 Caregiver in accordance with the Michigan Medical Marihuana Act, Initiated Law
3432 1 of 2008.

3433

3434 **Ponds**

3435 When more than 1200 square feet in surface area requires a site plan review by
3436 the Planning Commission and a township pond permit by the building inspector.

3437

3438 **Private Road**

3439 A way or means of approach which provides access to two or more principal
3440 buildings, and which is constructed and maintained by the owner or owners and is
3441 not dedicated for general public use. Parking aisles and parking lot maneuvering
3442 lanes shall not be construed to be private roads.

3443

3444 **Public Road**

3445 A way or means of approach which provides access and which is constructed to
3446 the Midland County Road Standards and is dedicated for general public use and
3447 maintained by the Midland County Road Commission.

3448

3449 **Residential Wind Energy Conversion Facility ("RWEFC")**

3450 A wind turbine with a blade tip up height not to exceed 150 feet as measured from
3451 existing average grade. A RWEFC has a rated capacity of 2 – 10 kilowatts. To

3452 provide context a 10-20 kw is used on farms, 50kw is a small municipal operation
3453 and 100kw is the largest permitted through net metering.

3454

3455 A. "Fall Zone" means the potential fall area for the RWECF. It is a measure by
3456 using 110% of the total height as the radius around the center point of the
3457 base of the tower.

3458

3459 B. "Meteorological Tower (MET tower)" includes the tower, base plate,
3460 anchors, guy wires and hardware, anemometers, wind direction vanes,
3461 booms to hold equipment, data loggers, instrument wiring, and any
3462 telemetry devices that are used to monitor or transmit wind flow and wind
3463 speed characteristics over a period of time to give wind information at a
3464 given location.

3465

3466 C. "NET Metering" means the difference between the electricity supplied over
3467 the electric distribution system to the property and the electricity generated
3468 and fed back into the distribution system of Consumers Electric.

3469

3470 **Right of Way**

3471 A public or private thoroughfare or easement of access including waterways.

3472

3473 **Right of Way Line**

3474 The established right-of-way line or if not established shall be thirty-three (33) feet
3475 from the center of the road.

3476

3477 **Road or Street**

3478 A public or private thoroughfare used for vehicular travel.

3479

3480 **Rooming House**

3481 A dwelling in which rooms are rented to 1 or more persons.

3482

3483 **Service Stations**

3484 Any area of land including the structures thereon, that is used or designed to be
3485 used for the retail supply of gasoline, oil, other fuels and which may include
3486 facilities used or designed to be used for polishing, greasing, washing, spraying,
3487 dry cleaning, cleaning or servicing such motor vehicles, including towing service.

3488

3489 **Sexually Oriented Business**

3490 An inclusive term used to describe collectively: adult cabaret, adult motion picture
3491 theater; adult media store; bathhouse; massage shop; modeling studio and/or sex
3492 shop. This collective term does not describe a specific land use and should not be
3493 considered a single-use category.

3494

3495 **Sexually Oriented Toys or Novelties**

3496 Instruments, devices, or paraphernalia either designed as representations of
3497 human genital organs or female breasts, or designed or marketed primarily for use
3498 to stimulate human genital organs.

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Sign

Any device, fixture, placard or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, institution, organization, or place of business, or which identifies or promotes the interests of any person and which is to be viewed from any public street, road, highway, right-of-way or parking area (collectively referred to as a “public area”). Signs do not include cemetery markers, vending machines, mailboxes, seasonal decorations, or a building's permanent architectural feature. Specific signs are defined as follows:

- A. “Billboard” means any free-standing sign on a parcel of land which does not include another principal structure.
- B. “Freestanding Sign” means a sign supported from the ground by one or more poles, posts, or similar uprights, with or without braces.
- C. “Temporary Sign” means a sign intended for a use not permanent in nature.
- D. “Wall Sign” means a sign fastened to or painted on the wall area of a building or structure that is confined within the limits of the wall with the exposed face of the sign in a plane approximately parallel to the plane of such wall.

Storage shed

A small structure, including shipping containers less than 200 sq. ft, with four enclosed side walls, a peaked roof, or a single sloped roof (such as a potting shed), and the roof will have a minimum of 15 degree of roof pitch regardless of shed style. A shed may or may not be built from a prepackaged kit and may or may not be located on a concrete slab or be anchored. A storage shed shall have maximum floor dimension of 200 square feet ~~10 feet x 12 feet~~, overhang of less than 1 foot on a side, and be a maximum of 10 feet 6 inches tall from grade. Note: Larger overhangs than 1 foot per side is permitted but the excess will count as part of the total maximum ground dimension of 264 square foot ~~floor dimension~~. Storage sheds must be positioned and designed to be portable or movable if conditions require. Storage Sheds described here are not considered accessory buildings as defined in Jerome Township Ordinance 98 and do not require a zoning building permit, if they meet all requirements set forth in this ordinance. Storage Shed “like structures” with a floor area of less than 25 square feet (i.e. 5 foot X 5 foot) some examples of which are (but not limited to) very small storage units, children bus shelter, wood box, dog house, etc. are exempted from the requirements of this ordinance and do not require a building permit.

Structure

3543 Any combination of materials to form any type of construction whatsoever. Some
3544 examples of structures include but are not limited to; sheds, fences, signs, and
3545 decks.

3546
3547 **Special Use**

3548 ~~Hearing required.~~ A use specified in a zoning district only allowed following
3549 required review, see Article X.

3550
3551 **Tower**

3552 Any structure which its principal or secondary purpose is to mount or support one
3553 or more wireless communication antennas.

3554
3555 **Tourist Home**

3556 A dwelling in which overnight accommodations are rented to transient guests.
3557

3558 **Variance**

3559 A modification of the specific regulations of this ordinance granted by resolution of
3560 the Board of Appeals in accordance with the terms of this ordinance.

3561
3562 **Wind Turbine**

3563 A device that converts kinetic energy into rotational energy that drives an electrical
3564 generator. A wind turbine typically consists of a tower, nacelle body, and a rotor
3565 with two or more blades.

3566
3567 A. "Flicker" means the moving shadow created by the sun shining on the
3568 rotating blades of the wind turbine. (It is a potential health hazard to
3569 epileptics etc.).

3570
3571 B. "Height" means the height of a wind turbine measured from existing average
3572 grade to the tip of the rotor at its highest point or blade tip height.

3573
3574 C. "Shadow" means the outline created on the surrounding area by the sun
3575 shining on the ~~small wind energy system~~ wine turbine.
3576

3577 **Wireless Communication Facilities**

3578 All structures and accessory facilities relating to the use of radio frequency
3579 spectrum for the purpose of transmitting or receiving radio signals. This may
3580 include, but shall not be limited to, radio towers, television wireless towers,
3581 telephone devices and exchanges, microwave relay facilities, telephone
3582 transmission equipment building and private and commercial mobile radio service
3583 facilities. Not included within this definition are: citizen band radio facilities; short
3584 wave receiving facilities; amateur radio facilities; non-commercial satellite dishes;
3585 and governmental facilities which are subject to state or federal law or regulations
3586 which preempt municipal regulatory authority.

3587
3588 A. "Attached Wireless Communications Facilities" shall mean wireless
3589 communication facilities that are affixed to existing structures, such as

3590 existing buildings, towers, water tanks, utility poles, and the like. A wireless
3591 communication support structure, proposed to be newly established, shall
3592 not be included within this definition.
3593

3594 B. "Wireless Communication Support Structures" mean structures erected or
3595 modified to support wireless communication antennas. Support structures
3596 within this definition include, but shall not be limited to mono-poles, lattice
3597 tower, light poles, wood poles, and guyed towers, or other structures which
3598 appear to be something other than a mere support structure.
3599

3600 **Yard, Front**

3601 An unoccupied space between the road right-of-way and the front building line.

3602

3603 **Yard, Rear**

3604 An unoccupied space between the rear property line and the rear building line.

3605

3606 **Yard, Side**

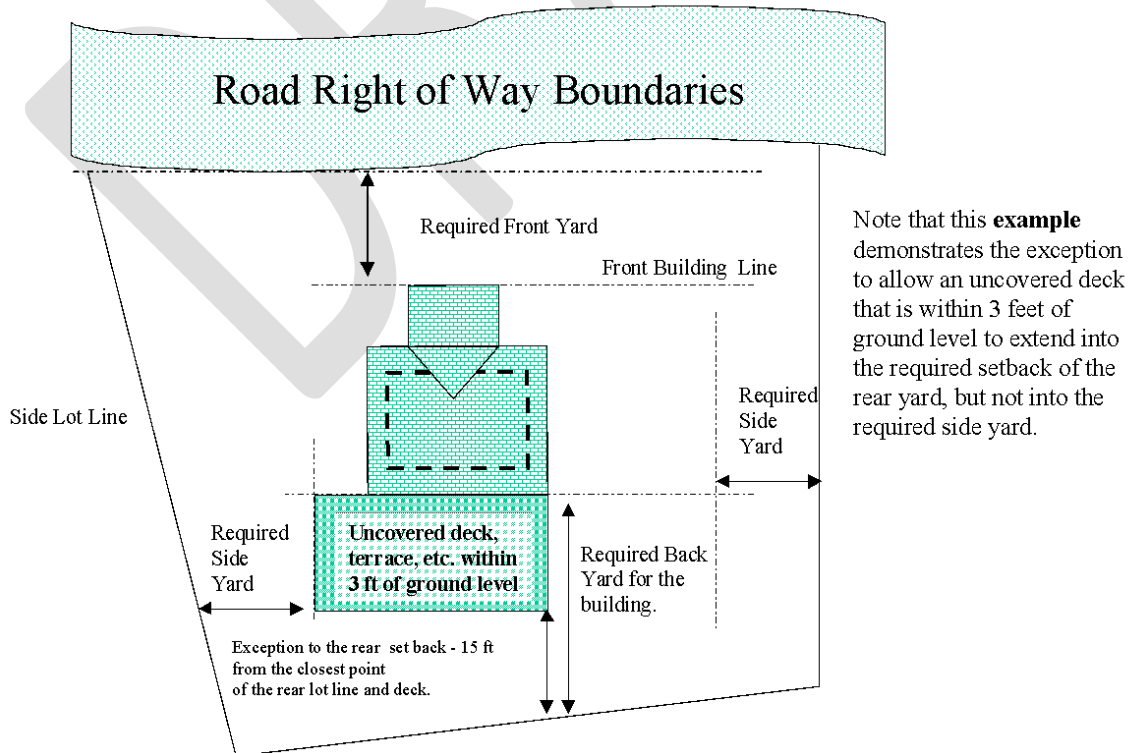
3607 An unoccupied space between the side building line and the adjacent side property
3608 line.

3609

3610 **Yard Requirements – permitted projection into required yard requirement:**

3611 An open unenclosed and uncovered porch, paved terrace, or deck within 3 feet of
3612 ground level, may project no further than 10 feet in the required front yard nor more
3613 than 15 ft into the required back yard. No projection into the side yard requirement

Yard Projection Example - Uncovered Deck in Rear Yard



3614 is permitted. Any porch, terrace, deck, or balcony, which is enclosed, shall meet
3615 the minimum set back requirements of the main building or accessory building to
3616 which it is attached. Sidewalks and driveways at ground level have no set back
3617 requirement within the property boundary.

3618

3619 **Undefined Terms**

3620 Any term not defined herein shall have the meaning of common or standard
3621 use.

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